

February 10, 2023

REVISED

The Honorable Pat Proctor, Chairperson
House Committee on Elections
300 SW 10th Avenue, Room 218-N
Topeka, Kansas 66612

Dear Representative Proctor:

SUBJECT: Revised Fiscal Note for HB 2289 by House Committee on Elections

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2289 is respectfully submitted to your committee.

HB 2289 would limit the power of the Governmental Ethics Commission to issue subpoenas concerning the Campaign Finance Act. The bill specifies that the Commission would not have the power to issue any subpoena prior to the filing of a verified complaint before the Commission and a finding by the Commission that probable cause exists pursuant to KSA 25-4161(e). The Commission may request the Attorney General or county or district attorney to file an application for an inquisition in a district court for investigating potential violations of the Campaign Finance Act.

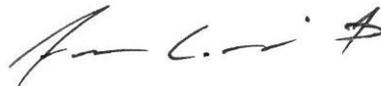
The Governmental Ethics Commission states it is unable to estimate a fiscal effect of the bill. The Office of Judicial Administration indicates enactment of HB 2289 could have a fiscal effect on Judicial Branch operations because the bill's provisions could create additional cases for district court chief judges if they are requested to preside over an inquisition to investigate violations of the Campaign Finance Act. Also, the Office indicates the inquisition could result in criminal charges being filed with the district court. The Office indicates a fiscal effect cannot be estimated until the Judicial Branch has been given an opportunity to operate under the bill's provisions.

Since the original fiscal note was issued additional information has been provided by the Office of the Attorney General. The Office estimates additional expenditures of \$162,684 from the State General Fund in FY 2024, along with an additional 1.50 FTE positions if the bill were

enacted. Of the total amount, \$144,815 would be for salaries and wages and \$17,869 would be for other operating expenditures. The agency indicates the additional expenditures would be needed because the bill's enactment would increase caseloads related to requests for the agency to file applications to initiate an investigation of any potential violations of the Campaign Finance Act. Any fiscal effect associated with HB 2289 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of the bill would not have a fiscal effect on counties.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Mark Skoglund, Governmental Ethics Commission
Vicki Jacobsen, Judiciary