

March 1, 2021

The Honorable Larry Alley, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 136-E
Topeka, Kansas 66612

Dear Senator Alley:

SUBJECT: Fiscal Note for SB 187 by Senator Steffen

In accordance with KSA 75-3715a, the following fiscal note concerning SB 187 is respectfully submitted to your committee.

Under SB 187, no contract between an interactive computer service and a person that contains terms of service for use of a social media website operated by the service could include provisions that authorize the service to restrict, censor or suppress information that does not pertain to obscene, lewd, lascivious, filthy, excessively violent, harassing, or other objectional subject matter. Violations would be reported to the Attorney General, who would be required to investigate and could bring action for injunction relief, including a civil penalty. Each instance of interactive computer services contracts with a person containing terms of services that violate the bill would be a separate violation.

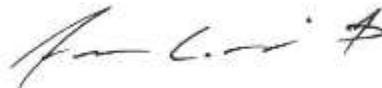
The Office of Judicial Administration indicates that the bill could increase the number of cases filed in district court because it allows the Attorney General or a person to bring a court action for injunction relief or damages, which would in turn increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of additional docket fees. However, a fiscal effect cannot be estimated.

The Office of the Attorney General states the bill would require the development of a complaint form for consumers to submit alleged violations, which could be performed within existing resources. The agency cannot estimate the number of complaints that could be submitted. If a major social media service's terms of service are not compliant with this Act, the number of potential complaints could be in the thousands. Depending on the number of complaints filed requiring independent investigation and potential litigation the agency may need to hire additional

staff and attorneys. However, the Office cannot determine a fiscal effect. Any fiscal effect associated with SB 187 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties and the League of Kansas Municipalities indicate that the bill would not have a fiscal effect on counties or cities.

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: Willie Prescott, Office of the Attorney General
Debbie Thomas, Judiciary
Wendi Stark, League of Municipalities
Jay Hall, Association of Counties