

March 6, 2024

The Honorable Ken Rahjes, Chairperson
House Committee on Agriculture and Natural Resources
300 SW 10th Avenue, Room 112-N
Topeka, Kansas 66612

Dear Representative Rahjes:

SUBJECT: Fiscal Note for HB 2816 by House Committee on Appropriations

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2816 is respectfully submitted to your committee.

HB 2816 would prohibit any person from entering, remaining upon, or flying certain aircraft above an animal facility without consent of the owner. The bill would also prohibit any person from knowingly making false statements on an employment application to gain access to an animal facility. The same prohibitions would apply to property in a field crop production area that is part of a product development program in conjunction with a private research facility, university, or any federal, state, or local government entity. The bill would establish a class A misdemeanor penalty for entering remaining on these properties without the owner's consent, and a class B misdemeanor penalty for knowingly making false statements on an employment application to gain access to these properties.

The bill would amend the Farm Animal and Field Crop and Research Facilities Protection Act to remove several terms such as "deprive" and "effective consent" and their definitions. The bill would also remove the section of the Act that prohibits any person from acquiring or exercising control over an animal facility with the intent to deprive the owner of the facility and or damage the enterprise conducted at the facility. The bill would make technical changes to clarify that the penalty for property damage or destruction at an animal facility or crop production and research facility is a severity level 9, nonperson felony for damages between \$1,000 and \$25,000, and a severity level 7, nonperson felony for damages of \$25,000 or more. These penalties would apply whether or not the offense was committed with the intent to damage or destroy the property.

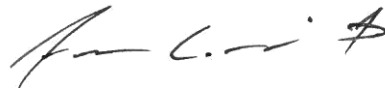
The Board of Indigents Defense Services indicates that enactment of the bill would have a negligible fiscal effect on its operations, as the bill does not establish new felony penalties or significantly expand the definition of existing felonies. The Board indicates that it typically does not handle cases involving only misdemeanors.

The Judiciary indicates that the bill has the potential to increase the number of cases filed in district courts. This may increase agency operating expenditures due to the additional time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. However, the Judiciary is unable to calculate an exact estimate of this effect. The bill has the potential to increase the collection of docket fees, fines, and supervision fees, which are deposited in the State General Fund; however, the amount of additional collections is unknown.

The Sentencing Commission estimates that the bill has the potential to increase prison admissions and beds by a negligible amount. The Department of Corrections indicates that the bill would have a negligible fiscal effect on agency operations. The Board of Regents indicates that the bill would have no fiscal effect on the operations of the Board or state universities. The Department of Agriculture indicates that the bill would have no fiscal effect on agency operations. Any fiscal effect associated with HB 2816 is not reflected in *The FY 2025 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill has the potential to increase county government expenditures on law enforcement, court proceedings, and jail operations; however, an exact estimate of this effect cannot be determined. The League of Kansas Municipalities indicates that enactment of the bill would have no fiscal effect on cities.

Sincerely,



Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Jennifer King, Department of Corrections
Heather Cessna, Board of Indigents Defense Services
Scott Schultz, Kansas Sentencing Commission
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Lita Biggs, Department of Agriculture
Stephanie McDowell, Kansas State University
Becky Pottebaum, Board of Regents