

March 3, 2014

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 285-N
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Fiscal Note for HB 2683 by House Committee on Veterans, Military and
Homeland Security

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2683 is respectfully submitted to your committee.

HB 2683 would enact the Unmanned Aerial Vehicle Regulation Act which would prohibit the operations of an unmanned aerial vehicle in Kansas with certain exemptions. No governmental agency could operate an unmanned aerial vehicle that is capable of firing a bullet or other projectile, directing a laser or otherwise being used as a weapon. Any person using an unmanned aerial vehicle would be required to fully comply with all Federal Aviation Administration requirements and guidelines. The acquisition of unmanned aerial vehicles would have to be approved by the legislative body of the governmental agency.

The bill would prohibit a government agency from disclosing or receiving information acquired through the operation of an unmanned aerial vehicle unless the person has given written consent or an imminent threat of life or safety of a person exists. The governmental agency would be required to document the factual basis for the emergency and a supervisory official must file a sworn statement within 48 hours of the beginning of the operation with the appropriate district court stating the grounds for the emergency.

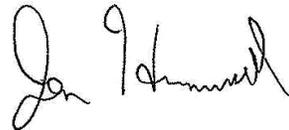
A warrant must be executed to use and obtain information from in a non-public area. The disclosure of information obtained would be authorized if a government agent offers specific and articulable facts demonstrating reasonable suspicion of criminal activity; that the unmanned aerial vehicle would uncover the criminal activity; and that alternative methods of data collection would be cost-prohibitive or present a significant risk to any person's safety. A government agent could operate an unmanned aerial vehicle or disclose information if no part of any information or evidence derived from the operation is received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department officer, agency, regulatory body, legislative committee, or other state authority; or a municipality; or for any intelligence purpose.

Any person aggrieved from the violations of these provisions could enjoin a violation or imminent violation of the Act; recover a civil penalty of \$5,000 for all images captured in a

single episode; or \$10,000 for disclosure, display, distribution, or any other use of any images in violation of the bill's provisions. Also, the person could recover actual damages if the person who caught the image disclosed, displayed, or distributed it with malice. Any government agent who uses an unmanned aerial vehicle would be required to report to the Attorney General the number of times an unmanned aerial vehicle was used; the number of crime investigations aided by an unmanned aerial vehicle; the number of uses for unmanned aerial vehicles other than criminal investigations; the frequency and type of data collected; and the total cost of the governmental entity's unmanned aerial vehicle program. The Attorney General would be required to compile the information reported, make it public on its website, and submit it to the Legislature annually.

The Office of Judicial Administration indicates enactment of HB 2683 could increase the number of cases filed in district court and the number of appeals relating to the use of information gathered by unmanned aerial vehicles, which would increase the time spent by district court and appellate court personnel in processing, researching, and hearing cases. Enactment of the bill could increase the collection of docket fees and civil penalties. All civil penalties would be credited to the State General Fund. Until the courts have had an opportunity to operate under the provisions of HB 2683 an accurate fiscal effect upon the Judicial Branch cannot be given. The League of Kansas Municipalities states it is not possible to determine what, if any, fiscal effect enactment of HB 2683 would have upon Kansas cities. The Kansas Highway Patrol states enactment of the bill could increase the agency's overtime costs. The Office of the Attorney General states that expenditures would vary based on the number of government agencies employing the use of unmanned aerial vehicles, which the agency estimates to be negligible. If the use of unmanned aerial vehicles were to increase, the cost of compiling the annual report and publishing the data on its website would increase. Finally, the agency states the civil causes of action that are stated in the bill could result in expenses from the Kansas Tort Claims Act Fund to defend the state against claims. Any fiscal effect associated with HB 2683 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,



Jon Hummell,
Interim Director of the Budget

cc: Mary Rinehart, Judiciary
Linda Durand, KBI
Kim Torrey, Highway Patrol
Larry Baer, League of Municipalities
Willie Prescott, Attorney General's Office
Cheri Froetschner, Adjutant General's Office