

February 1, 2017

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

Dear Senator LaTurner:

SUBJECT: Fiscal Note for SB 70 by Senators Francisco and Baumgardner

In accordance with KSA 75-3715a, the following fiscal note concerning SB 70 is respectfully submitted to your committee.

SB 70 would amend the procedure for closing an open meeting or going into an executive session under the Kansas Open Meetings Act (KOMA). Current law requires that a motion to recess into a closed meeting or executive session must include the justification for closing the meeting and the subjects to be discussed. SB 70 would require the motion to contain a statement describing the subjects to be discussed and a justification for closing the meeting, which would be limited by the topics listed in the bill. The motion must be recorded in its entirety in the meeting minutes.

The Office of the Attorney General states that it routinely issues opinions regarding the Kansas Open Meetings Act and the requirements for closed meetings or executive sessions. Making changes to the act creates the possibility that new issues could arise that have not been litigated or had an opinion issued. If the number of opinion requests significantly increases, additional staff attorneys could be required to handle the added workload. Additionally, if a court case were to be brought questioning the application of the new law, the Attorney General's Office could be required to be involved, whether to defend a state agency accused of violating the new provisions of the law or as the plaintiff under the Office's authority to enforce violations of KOMA. The agency is also able to collect civil penalties for violations of the act. However, it is not possible to predict the number of opinion requests or cases that would arise or how complex and time-consuming they would be. Therefore, a fiscal effect cannot be determined. Any fiscal effect associated with SB 70 is not reflected in *The FY 2018 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Willie Prescott, Office of the Attorney General