

January 29, 2013

The Honorable Julia Lynn, Chairperson
Senate Committee on Commerce
Statehouse, Room 445-S
Topeka, Kansas 66612

Dear Senator Lynn:

SUBJECT: Fiscal Note for SB 53 by Senate Committee on Federal and State Affairs

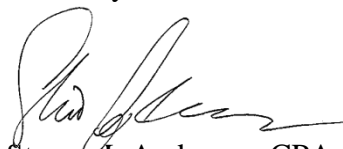
In accordance with KSA 75-3715a, the following fiscal note concerning SB 53 is respectfully submitted to your committee.

SB 53 would prohibit an employer from requesting or requiring an employee or an applicant for employment to disclose the existence of or means of access to a personal account or service; to access such an account in the employer's presence; or to divulge personal electronic content from the account or service. In addition, the bill provides that no employer can refuse to hire an applicant or discharge, discipline, penalize or otherwise retaliate against or threaten to discharge, discipline, or otherwise penalize an employee for refusing to comply with any of those requests.

The bill would not restrict or prohibit an employer's existing rights to access personal accounts or services relevant to an investigation of an allegation of employee misconduct or to request a username, password, or other means of access to the employer's computer, information systems, or electronic devices issued by the employer. The bill provides definitions of "employer," "personal account or service," "personal electronic content" and "social networking website."

Because the State of Kansas does not request or require any of the information prohibited by this bill as part of the application process, passage of SB 53 would have no fiscal effect on the state budget. Without knowing the application processes for the different local governments, it is not possible to determine whether this bill would have a fiscal effect on local governments.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Willie Prescott, Attorney General's Office
Pam Fink, Administration