

March 3, 2014

The Honorable Larry Powell, Chairperson
Senate Committee on Natural Resources
Statehouse, Room 237-E
Topeka, Kansas 66612

Dear Senator Powell:

SUBJECT: Fiscal Note for SB 409 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 409 is respectfully submitted to your committee.

SB 409 would enact the Kansas Unmanned Vehicle Act which would prohibit the operations of a public unmanned vehicle system or to collect or disclose personal information about any person acquired through the operation of any unmanned vehicle system. An unmanned vehicle system could be operated on land or in the air above, if the landowner has given permission. An unmanned vehicle system could not carry weapons, devices, instruments, materials, or substances that could cause death or injury. Violations of certain provisions in the bill would be punishable by a civil penalty of not more than \$10,000 for each violation. State agencies could not procure a public unmanned vehicle system without approval from the Legislature and a municipal law enforcement agency would have to have approval from its governing body.

A public unmanned vehicle system could be operated only with a search warrant issued by a court or under emergency circumstances as specified in the bill. SB 409 would require the Chief Justice of the Supreme Court and the Director of the Kansas Bureau of Investigation (KBI) to submit a report to the Legislature concerning the number of applications for search warrants authorizing the operation of a public unmanned vehicle system or disclosure of information from the operation of a public unmanned vehicle system. A person who has been aggrieved by another person whose actions violate the bill's provisions could seek civil damages. Violations of provisions of the Kansas Unmanned Vehicle Act would be a severity level 8, nonperson felony.

The KBI indicates that any fiscal effect resulting from enactment of SB 409 on agency operations would be negligible. The Office of Judicial Administration states that enactment of the bill would increase the number of cases filed in district courts for breaches of privacy and

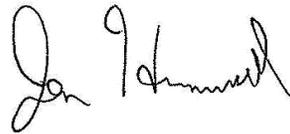
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would require search warrants to be considered and issued by the courts. Both the number of warrants that would be requested and the number of cases that might result from the bill's provisions are unknown. Also, the Office states that enactment of SB 409 could result in the collection of additional docket fees, civil penalties, and fines in new criminal cases filed under the bill's provisions. Civil penalties would be deposited into the State General Fund. However, until the courts have had an opportunity to operate under the provisions of SB 409 an accurate estimate of the fiscal effect upon the Judicial Branch cannot be given. The Kansas Sentencing Commission indicates that no data exists for the crime of using an unmanned vehicle in the agency's database. In FY 2013, the Commission notes there were two convictions for breach of privacy. Enactment of the bill would have an effect on probation population and potential prison admission and bed space needs when probationers violate their conditions and are revoked to prison. Further, enactment of the bill would have an effect on the journal entry workload of the Commission; however, the effect cannot be quantified because there are no data on which to base an effect. Any fiscal effect associated with SB 409 is not reflected in *The FY 2015 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Hummell". The signature is fluid and cursive, with the first name "Jon" being more prominent than the last name "Hummell".

Jon Hummell,
Interim Director of the Budget

cc: Larry Baer, League of Municipalities
Melissa Wangemann, Association of Counties
Kim Torrey, Highway Patrol
Mary Rinehart, Judiciary
Steve Neske, Department of Revenue
Ben Cleaves, Transportation
Linda Durand, KBI
Scott Schultz, Sentencing Commission
Jeremy Barclay, Corrections