

February 18, 2019

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2219 by Representative Alcala

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2219 is respectfully submitted to your committee.

HB 2219 would amend the Kansas Open Meetings Act to require that a public body or agency subject to the Act record audio or video of any meeting that is required to be open to the public. The bill would also require the recordings to be made accessible to the public within 24 hours of the open meeting.

In general, the fiscal effect cannot be estimated because the bill would affect a wide range of entities subject to the Kansas Open Meetings Act (KOMA). However, the Division of the Budget elicited responses from several state agencies regarding the fiscal effect of the bill. The information below cannot be extrapolated to the entire population of entities subject to the requirements of KOMA, but serves as examples of potential fiscal effects.

According to the Office of the Attorney General, enactment of HB 2219 could affect up to 4,000 units of government in Kansas. The agency notes that some units of government, such as the approximately 1,300 townships, have no full-time staff that would be able to fulfill the requirements of the bill and may have expenses to procure recording equipment, store recordings, and hire additional personnel. The agency also indicates that local units of government may incur expenses in responding to open records requests for these recordings. The agency further indicates that enactment of the bill may result in an increase in the number of requests for opinions interpreting provisions of the bill as well as the number of inquiries and complaints. The agency states that if a court case were to be filed regarding the provisions of HB 2219, it may have to provide legal representation. However, a fiscal effect cannot be estimated.

Legislative Administrative Services indicates that it currently records all meetings of the legislative body and archives the recordings within minutes of the conclusion of the meetings. The agency indicates that any costs associated with enactment of HB 2219 would be negligible.

The Department of Administration indicates that enactment of the bill would result in additional costs amongst the broad group of entities subject to the requirements of KOMA. However, the fiscal effect to the agency cannot be estimated because the resources and expertise necessary to meet the requirements of the bill would vary greatly.

The Office of Information Technology Services (OITS) indicates that enactment of the bill would result in additional expenditures of \$5,000 in FY 2019 to purchase audiovisual equipment suitable for a board meeting environment. In order to achieve the storage, public access, and record retention required by the bill, the agency states it would obtain Microsoft Office 365 accounts for each Information Technology Advisory Board and Information Technology Executive Council. The agency estimates this cost would be \$303.72 per entity per year, based on the Division of the Budget annual indices. In order to fund the additional costs to the agency, OITS indicates it would need to increase the overhead charged to customers.

The Department of Revenue notes that the language in the bill does not indicate whether the public agency must provide audio or video copies of the records to the public upon request or whether the public agency is required to publish such audio or video recordings on a public facing website or other electrical forum, regardless of whether a KOMA request from the public was made. However, the fiscal effect cannot be estimated.

The Kansas Association of Counties indicates that enactment of the bill would require counties to purchase and maintain audiovisual equipment and servers to equip commission rooms with recording capabilities. In addition, the agency indicates that the bill would require maintenance of such equipment, which may include storage costs for the recordings, and could require additional personnel to oversee the recording process. However, the fiscal effect cannot be estimated.

The League of Kansas Municipalities indicates that enactment of the bill could require additional expenditures between \$22,500 and \$25,000 per city. The League states that cities would have to provide audiovisual services for all meeting locations, which could range from \$2,500 to \$5,000 per location. The League also indicates that some cities hold over 150 meetings each year, which would require additional staff time to prepare for each meeting, including ensuring all equipment is functioning properly, at an estimated cost of \$15,000 per year. In addition, the League states that storing the recordings could cost up to \$5,000 annually, and there would be an additional cost if the city offered Americans with Disabilities Act capabilities for the recordings. Any fiscal effect associated with HB 2219 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Karen Clowers, Legislative Services
Colleen Becker, Department of Administration
Courtney Fitzgerald, OITS
Willie Prescott, Office of the Attorney General
Chardae Caine, League of Municipalities
Jay Hall, Association of Counties
Lynn Robinson, Department of Revenue