

March 11, 2019

The Honorable Rick Wilborn, Chairperson
Senate Committee on Judiciary
Statehouse, Room 541-E
Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 65 by Senator Holland

In accordance with KSA 75-3715a, the following fiscal note concerning SB 65 is respectfully submitted to your committee.

SB 65 would create the Corrupt Public Officer or Public Employee Reporting Act, also known as the Corrupt Reporting Act. The bill would allow a person to request an inquiry and investigation by the Attorney General, signed by the person under penalty of perjury, declaring that the person is or has been:

1. The victim of corruption committed by a public officer or public employee; or
2. A witness to corruption committed by a public officer or public employee.

If the Attorney General has reasonable grounds to believe that a crime has been committed as a result of this conduct based on the Attorney General's own inquiries or as a result of statements filed pursuant to the inquiry or investigation, the Attorney General must apply to a district judge to conduct an inquisition or petition for a state grand jury to be summoned. The Attorney General would be required to make all statements filed publicly available on the official website of the Office of the Attorney General, except the Attorney General must redact all personally identifiable information from each statement. If the Attorney General petitions for a grand jury to be summoned, the bill would require a state grand jury to be summoned that has jurisdiction to investigate and indict for crimes committed anywhere within the state.

Estimated State Fiscal Effect				
	FY 2019 SGF	FY 2019 All Funds	FY 2020 SGF	FY 2020 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$512,779	\$512,779
FTE Pos.	--	--	4.00	4.00

The Office of the Attorney General estimates enactment of SB 65 would increase its State General Fund expenditures by \$512,779 in FY 2020 for 4.00 FTE positions and other operating costs. The estimate includes annual costs of \$306,785 for salary and benefits for 1.00 Assistant Attorney General FTE position, 2.00 Special Agent FTE positions, and 1.00 Legal Assistant FTE position; annual costs of \$100,000 for outside counsel; and one-time costs of \$105,994 for office equipment, vehicles, computers and other related costs and supplies need to equip the new staff.

The agency indicates the additional staffing would be needed to receive, review and investigate complaints and redact personal information from statements filed and post them to the website. In the event the Office of the Attorney General would be expected to prosecute charges resulting from inquisitions or grand jury proceedings, the new positions include hiring a prosecutor specializing in public corruption cases. The agency indicates its estimate includes costs for outside counsel in case defending such lawsuits exceeds the maximum workload for civil litigation attorneys.

The Office of Judicial Administration indicates its current case management system does not have the ability to create a statewide jury pool. Therefore, enactment of SB 65 would require additional administration and information technology costs to modify its system to create a statewide pool, but a precise estimate cannot be provided. The Kansas Association of Counties indicates SB 65 could increase costs for counties associated with a grand jury and any subsequent legal matters, but a precise fiscal effect cannot be determined. The League of Kansas Municipalities indicates SB 65 could have a fiscal effect on cities related to costs for staff assisting the Attorney General with evidence collection, costs for outside counsel, and other legal fees, but a precise estimate cannot be provided. Any fiscal effect associated with SB 65 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Willie Prescott, Office of the Attorney General
Janie Harris, Judiciary
Chardae Caine, League of Municipalities
Jay Hall, Association of Counties