

January 25, 2007

The Honorable Mike Burgess, Chairperson  
House Committee on Elections and Governmental Organization  
Statehouse, Room 128-S  
Topeka, Kansas 66612

Dear Representative Burgess:

**SUBJECT:** Fiscal Note for HB 2079 by Representative Otto

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2079 is respectfully submitted to your committee.

HB 2079 would add a new category to the corrupt political advertising statute to include telephoning or causing to be conveyed by telephone any paid material that expressly advocates the nomination, election, or defeat of a clearly identified candidate for a state or local office, unless the call is followed by a statement identifying the person or organization that is paying for or sponsoring the call. This bill would also require any vendor who provides services for telephone calls or who publishes, broadcasts, or prints such materials to keep and maintain records for one year showing the name and address of the person who purchased or requested the services and the amount paid for them. HB 2079 would also make it a Level 5, nonperson felony to disseminate false or distorted information or advertising about a candidate within 60 days of any election or to report a fictitious address for such a communication.

Should HB 2079 be enacted, there would be a negligible fiscal effect on the Governmental Ethics Commission and its operations. This bill could be implemented with the agency's current staffing and operating expenditures with no long-range fiscal effect. The Secretary of State indicates that passage of the bill would have no fiscal effect on its operations.

The creation of a criminal offense has a potential fiscal effect on the correctional system. When considered by custody level, the Department of Corrections has been operating at near or excess capacity for medium and maximum custody male inmates. Nearly all of the current available capacity for male inmates is at the minimum custody level. If the bill contributes to an increase in the inmate population sufficient to require additional facility capacity, one-time construction and equipment costs would be needed. In addition, annual costs to staff and operate the additional capacity would be required.

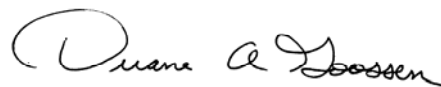
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If the bill does not contribute to the need for capacity expansion, additional annual costs of approximately \$2,000 per inmate for basic support, including food service, would be needed. Additional expenditures for health care also could be incurred, if the increase in the inmate population required adjustments in the medical contract. The health care contract provides that whenever the inmate count at a facility changes by more than a specified percentage, an adjustment in contract payments is made. The amount of any adjustment would depend on the specific facility involved. Any fiscal effect resulting from this bill has not been included in *The FY 2008 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Goossen". The signature is written in a cursive style and is positioned to the left of a vertical red line.

Duane A. Goossen  
Director of the Budget

cc: Carol Williams, Governmental Ethics  
Christy Harvey, Secretary of State's Office  
Mary Rinehart, Judiciary