

February 9, 2023

The Honorable Pat Proctor, Chairperson  
House Committee on Elections  
300 SW 10th Avenue, Room 218-N  
Topeka, Kansas 66612

Dear Representative Proctor:

**SUBJECT:** Fiscal Note for HB 2289 by House Committee on Elections

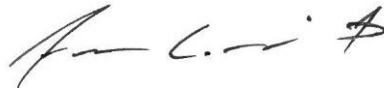
In accordance with KSA 75-3715a, the following fiscal note concerning HB 2289 is respectfully submitted to your committee.

HB 2289 would limit the power of the Governmental Ethics Commission to issue subpoenas concerning the Campaign Finance Act. The bill specifies that the Commission would not have the power to issue any subpoena prior to the filing of a verified complaint before the Commission and a finding by the Commission that probable cause exists pursuant to KSA 25-4161(e). The Commission may request the Attorney General or county or district attorney to file an application for an inquisition in a district court for investigating potential violations of the Campaign Finance Act.

The Governmental Ethics Commission states it is unable to estimate a fiscal effect of the bill. The Office of Judicial Administration indicates enactment of HB 2289 could have a fiscal effect on Judicial Branch operations because the bill's provisions could create additional cases for district court chief judges if they are requested to preside over an inquisition to investigate violations of the Campaign Finance Act. Also, the Office indicates the inquisition could result in criminal charges being filed with the district court. The Office indicates a fiscal effect cannot be estimated until the Judicial Branch has been given an opportunity to operate under the bill's provisions. Any fiscal effect associated with HB 2289 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties indicates enactment of the bill would not have a fiscal effect on counties.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt  
Director of the Budget

cc: Mark Skoglund, Governmental Ethics Commission  
Vicki Jacobsen, Judiciary