

February 25, 2016

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

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2587 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2587 is respectfully submitted to your committee.

HB 2587 would prohibit state agencies and municipalities from adopting a “sanctuary policy,” as defined in the bill. Municipalities that adopt sanctuary policies would be ineligible to receive any state funding. Complaints of any violations of the bill’s provisions may be submitted to the Office of the Attorney General by any Kansas resident. Also, any member of the Legislature may request the Attorney General to investigate and issue an opinion whether a municipality has enacted a sanctuary policy.

Estimated State Fiscal Effect				
	FY 2016 SGF	FY 2016 All Funds	FY 2017 SGF	FY 2017 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$151,674 to \$176,674	\$151,674 to \$176,674
FTE Pos.	--	--	--	1.00

The Office of the Attorney General estimates the costs for implementing the bill could range from \$151,674 to \$176,674 from the State General Fund in FY 2017. The total amount includes \$84,157 to hire 1.00 additional Assistant Attorney General FTE position plus related expenses of \$17,517 for workstation setup, travel and other costs. The agency indicates that there would likely be litigation between affected municipalities and the state over the application of this bill. Since the Attorney General’s Office would be responsible for investigating and determining if a municipality enacted sanctuary policies, the Office would most likely be named

as one of the defendant parties to any legal action by the affected municipality. As a result, outside counsel would be needed to defend the Office as well as any other state defendants. The agency notes that there could be implications of constitutional issues, which may result in litigation proceeding to the appellate level in either state or federal court. This scenario would entail a multi-year and costly process. The Office estimates costs of defense would be a minimum of \$50,000 to \$75,000 per year. This expense would be ongoing until a ruling is issued.

Local governments could also incur expenses from litigation and providing documents and information for any investigations. Additionally, local governments could lose funding from the state if it is found that a municipality adopted a sanctuary policy. The precise fiscal effect for cities is unknown. According to *The FY 2017 Governor's Budget Report*, \$5.1 billion from all funds, including \$3.4 billion from the State General Fund, is budgeted for statewide aid to local government expenditures in FY 2017. Any fiscal effect associated with HB 2587 is not reflected in *The FY 2017 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Sullivan", with a horizontal line extending to the right.

Shawn Sullivan,
Director of the Budget

cc: Larry Baer, League of Municipalities
Melissa Wangemann, Association of Counties
Willie Prescott, Attorney General's Office
Aaron Dunkel, Health & Environment
Ben Cleeves, Transportation
Dale Dennis, Education
Adam Pfannenstiel, Corrections
Bob North, Commerce