

March 23, 2016

The Honorable Mary Pilcher-Cook, Chairperson  
Senate Committee on Public Health and Welfare  
Statehouse, Room 441-E  
Topeka, Kansas 66612

Dear Senator Pilcher-Cook:

**SUBJECT:** Fiscal Note for SB 472 by Senate Committee on Public Health and Welfare

In accordance with KSA 75-3715a, the following fiscal note concerning SB 472 is respectfully submitted to your committee.

SB 472 would expand the Kansas Act Against Discrimination by prohibiting discrimination in employment based on family caregiver status. "Family caregiver" is defined as an individual who provides care to another who is related by blood, legal custody or marriage or is a domestic partner or individual with whom the family caregiver lives in a familial relationship and who requires care due to infancy, youth, old age, serious health condition, disability or physical or mental impairment.

Estimated State Fiscal Effect				
	FY 2016 SGF	FY 2016 All Funds	FY 2017 SGF	FY 2017 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$392,512	\$392,512
FTE Pos.	--	--	--	5.50

The Kansas Human Rights Commission (KHRC) states that it typically receives an increase in the number of complaints and inquiries each time the Kansas Act Against Discrimination is expanded. The KHRC estimates that it could receive an additional 225 complaints and 1,810 contacts from the passage of SB 472. The added workload would require additional expenditures of \$392,512 from the State General Fund and 5.50 FTE positions in FY 2017. Of the total amount, \$291,865 is for the salaries and wages of 4.50 Special Investigator II FTE positions and 1.00 Senior Administrative Assistant FTE position; \$35,263 is for professional legal and IT services; \$20,475 is for an additional 1,000 square feet of office space; \$25,010 is for one-time workstation set-up costs; \$13,897 is for communications; \$3,463 is for office supplies; \$1,603 is for printing; and, \$936 is for routine repairs and installation of phones.

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Page 2—SB 472

The KHRC indicates that it would not be able to collect federal reimbursements for investigations of complaints based on family caregiver status because the complaints would not fall within the jurisdiction of the U.S. Equal Opportunity Commission.

According to the Kansas Department for Aging and Disability Services, the bill would have no direct fiscal effect on the operations of the agency. However, due to a U.S. Department of Labor rule, individuals who choose to self-direct their home and community-based services care are considered employers of their direct care staff. Currently, some household activities are not compensated if they are completed by a family member or certain other individuals as specified in policy. If SB 472 were to result in participants being required to treat “family caregivers” the same as other employees with regards to pay for services, it would have a fiscal effect on Medicaid expenditures through KanCare Home and Community Based Services waivers. However, the fiscal effect cannot be estimated. Any fiscal effect associated with SB 472 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: Ruth Glover, Human Rights Commission  
Jackie Aubert, Children & Families  
Brad Ridley, Aging & Disability Services