

February 14, 2019

The Honorable Bud Estes, Chairperson  
Senate Committee on Federal and State Affairs  
Statehouse, Room 136-E  
Topeka, Kansas 66612

Dear Senator Estes:

**SUBJECT:** Fiscal Note for SB 37 by Senator Holland

In accordance with KSA 75-3715a, the following fiscal note concerning SB 37 is respectfully submitted to your committee.

SB 37 would add duly ordained ministers of religion and persons employed by or persons working as volunteers for any religious organization to the list of mandated reporters of abuse of a child.

The Office of the Attorney General estimates enactment of SB 37 would likely result in a constitutional challenge by any number religious organizations based on freedom of religion and compelled speech theories. If SB 37 were to be constitutionally challenged, the Office would defend the law in court at a cost that cannot be estimated. The cost cannot be estimated because the number of hours that may be required to defend the law is unknown. The Office does indicate the complexity of such a legal case may require the Office to contract with outside counsel to assist in the defense of the law.

The Department for Children and Families indicates enactment of SB 37 would likely increase the Department's volume of reports by 4.0 percent per year. Under this assumption, the Department estimates the fiscal effect on the agency would total \$236,817 from the State General Fund in FY 2020 and \$249,648 from the State General Fund in FY 2021. The Department's estimate includes \$209,597 in salary and wages to hire 4.00 FTE Protection Specialists to assist with the workload associated with a 4.0 percent increase in the number of reports disclosed to the Department, and \$27,220 in other operating expenditures in FY 2020 which includes one-time capital outlay expenditures. For FY 2021, the Department estimates \$226,672 for salary and wages

and \$22,976 in other operating expenditures. Any fiscal effect associated with SB 37 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is written in a cursive style with a large, sweeping initial "L".

Larry L. Campbell  
Director of the Budget

cc: Willie Prescott, Office of the Attorney General  
Linda Kelly, Corrections  
Cody Gwaltney, Aging & Disability Services  
Jackie Aubert, Children & Families