

March 6, 2019

The Honorable Rick Wilborn, Chairperson
 Senate Committee on Judiciary
 Statehouse, Room 541-E
 Topeka, Kansas 66612

Dear Senator Wilborn:

SUBJECT: Fiscal Note for SB 84 by Senator Bollier, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning SB 84 is respectfully submitted to your committee.

SB 84 would amend the Kansas Act Against Discrimination by prohibiting discrimination in employment, housing, and public accommodation based on a person’s sexual orientation, gender identity, or expression. The bill includes definitions of “sexual orientation” and “gender identity or expression.”

Estimated State Fiscal Effect				
	FY 2019 SGF	FY 2019 All Funds	FY 2020 SGF	FY 2020 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$68,706	\$68,706
FTE Pos.	--	--	--	1.00

The Kansas Human Rights Commission estimates enactment of SB 84 would require additional expenditures of \$68,706 from the State General Fund and 1.00 Special Investigator II FTE position in FY 2020. This cost estimate assumes that the number of public contacts at the intake level would increase by 250 and the projected number of sexual orientation, gender identity, or expression complaints would be approximately 50. The number of complaints is based on a U.S. General Accounting Office study published in 2013 that reviewed employment discrimination complaints of sexual orientation and gender identity in 21 states and the District of Columbia. According to the study, 2,127 sexual orientation and gender identity complaints out of a total population of 139,672,848 were received in those states and the District of Columbia, or .0015 percent of the population in the study. If this percentage is applied to the population of Kansas, approximately 44 complaints would be received by the Commission (.0015 percent X 2,911,505).

However, based on the Commission's experience with previous changes to the Kansas Act Against Discrimination and a review of 14 states that currently accept sexual orientation and/or gender identity complaints, it is estimated that the number of complaints would be closer to 50.

The expenditures for FY 2020 would include \$55,581 for the salaries and benefits for the position; \$3,011 for increased telecommunication, data and postage costs associated with the 250 public contacts; \$957 for printing new law books and posters; \$151 for routine repair and installation of additional telephones; \$6,518 for updating the Commission's internal complaint database and other Office of Information Technology Services charges; \$428 for various consumable office supplies; and \$2,060 for office equipment for the new position.

The Office of Judicial Administration states enactment of SB 84 would expand the Kansas Against Discrimination Act and could result in more violations of the Act. This could result in additional cases filed and more time spent by court employees and judges in processing and deciding these cases. According to the Office, a fiscal effect cannot be estimated until the Judicial Branch has had an opportunity to operate under the bill's provisions.

The Office of the Attorney General states enactment of SB 84 could potentially open the state to additional liability from lawsuits accusing the state, state agencies, or state employees of discrimination. Depending on the workload of the Office of the Attorney General's civil litigation attorneys, there could be a need to retain outside counsel. The cost for hiring outside counsel would depend on the number of cases for which outside counsel is selected and the duration of those cases. Any fiscal effect associated with SB 84 is not reflected in *The FY 2020 Governor's Budget Report*.

Both the League of Kansas Municipalities and the Kansas Association of Counties indicate enactment of SB 84 would have a negligible fiscal effect on local governments.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Janie Harris, Judiciary
Ruth Glover, Human Rights Commission
Dawn Palmberg, Department of Labor
Willie Prescott, Office of the Attorney General
Chardae Caine, League of Municipalities
Jay Hall, Association of Counties