

February 8, 2016

The Honorable Jeff King, Chairperson
Senate Committee on Judiciary
Statehouse, Room 341-E
Topeka, Kansas 66612

Dear Senator King:

SUBJECT: Fiscal Note for SB 378 by Senate Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning SB 378 is respectfully submitted to your committee.

SB 378 would amend existing law that prohibits an employer from discriminating or retaliating against an employee who is a victim of domestic violence or sexual assault when the employee takes time off from work for certain reasons related to the abuse or assault. The bill would expand the definition of “domestic violence” to incorporate the definition used in the Kansas Criminal Code. The bill would expand the definition of “sexual assault” to include sex crimes identified in statutes that outlaw selling sexual relations, promoting the sale of sexual relations, buying sexual relations, and commercial exploitation of a child. Other references to “sexual assault” crimes would be consolidated.

Currently, the Department of Labor is charged with enforcing the existing statutes addressed in the bill. Under SB 378, the Department of Labor would be removed from that process and any aggrieved person may instead file a complaint with the Kansas Human Rights Commission as part of the Kansas Act Against Discrimination. The bill would allow for judicial review of Commission decisions. However, Commission dismissals of complaints would not be subject to judicial review.

| Estimated State Fiscal Effect | | | | |
|-------------------------------|----------------|----------------------|----------------|----------------------|
| | FY 2016 SGF | FY 2016 All Funds | FY 2017 SGF | FY 2017 All Funds |
| Revenue | -- | -- | -- | -- |
| Expenditure | -- | -- | \$80,715 | \$80,715 |
| FTE Pos. | -- | -- | -- | -- |

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The Kansas Human Rights Commission indicates previous expansions of the Kansas Act Against Discrimination resulted in increased complaints and inquiries. The Commission estimates that 50 additional complaints and 500 additional public contacts may occur as a result of the bill. To handle the increased workload, the Commission estimates that SB 378 would require additional expenditures of \$80,715 from the State General Fund for FY 2017. Of the total amount, \$54,360 would be to fill an existing Special Investigator II FTE position and \$26,355 would be for associated operating costs. The associated operating costs would include \$3,041 for communications for the additional public inquiries, \$1,603 for printing, \$157 for repair and servicing, \$17,639 for professional fees which includes \$10,000 for legal fees, \$815 for office supplies and \$3,100 for office equipment.

The Kansas Human Rights Commission (KHRC) indicates that it would not be able to receive reimbursements from the U.S. Equal Employment Opportunity Commission (EEOC) under the KHRC-EEOC work-sharing agreement. The agency notes that complaints filed on the basis of domestic violence or sexual assault do not fall within the jurisdiction of the EEOC.

According to the Office of Judicial Administration, SB 378 could result in more cases filed in district court. If this were to occur, the workload of district court judges and staff would increase. Also, any additional cases could increase Judicial Branch docket fee revenue. However, because the number of cases that might occur as a result of SB 378 cannot be estimated with any certainty, the precise fiscal effect for the Judicial Branch is unknown.

The Kansas Department of Labor reports that there would be no fiscal effect on the agency. Any fiscal effect associated with SB 378 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
Ashley Michaelis, Judiciary
Dawn Palmberg, Department of Labor