

March 10, 2021

The Honorable Kellie Warren, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 441B-E  
Topeka, Kansas 66612

Dear Senator Warren:

**SUBJECT:** Fiscal Note for SB 270 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 270 is respectfully submitted to your committee.

SB 270 would require all law enforcement agencies in Kansas to adopt a detailed, written policy prohibiting the hiring of law enforcement officers with a history of serious misconduct or use of excessive force. These policies must be implemented prior to July 1, 2022 and must include prohibitions as specified in the bill. The bill would make law enforcement employment and disciplinary records alleging serious misconduct or use of excessive force by a law enforcement officer subject to the Kansas Open Records Act (KORA).

Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$208,325	\$208,325
FTE Pos.	--	--	--	3.00

According to the Kansas Highway Patrol (KHP), enactment of SB 270 could result in a significant increase in KORA requests. These requests are expected to be time sensitive and more complex than the typical requests and would require a coordinated effort between the Professional Standards Unit (PSU), Human Resources and the Legal Department. Because the agency expects an increase in the number of complaints received through its office, the PSU, which is the record keeper for investigative files on complaints, could need an additional 1.00 FTE Highway Patrol

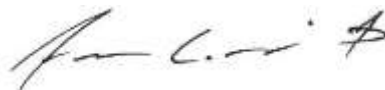
Lieutenant position to handle the workload at a cost of \$104,793. Human Resources is the record keeper for any discipline imposed or resignation records. Although the agency does not expect these records requests to be as numerous as those for PSU, the additional time to manage and provide documentation upon request could require an additional 1.00 FTE Administrative Officer position. The cost for salaries and wages for this position is expected to be \$52,218.

All records would need to be reviewed and redacted as permitted which is another time-intensive process. The agency anticipates that more activity in grievance/civil service appeals could occur. If these records are to be made public, there is a significant chance the Kansas State Troopers Association, which is the union representing KHP officers, would be more invested in challenging any serious discipline or termination cases. As the agency is currently in the process of hiring a new attorney, no additional FTE positions would be required for legal review; however, because of the anticipated increased KORA requests, the Records Unit could need 1.00 FTE Senior Administrative Assistant. The cost of salaries and wages for this position is expected to be \$51,313. The total cost of salaries and wages for the three positions is estimated to be \$208,325.

According to the Kansas Commission on Peace Officers' Standards and Training, enactment of SB 270 would have no fiscal effect on the agency. Any fiscal effect associated with SB 270 is not reflected in *The FY 2022 Governor's Budget Report*.

The Kansas Association of Counties indicates that enactment of the bill could result in additional costs for county sheriffs' offices as they seek qualified and able individuals to fill open positions. The open disciplinary records requirement could also result in some costs if information has to be redacted to protect private citizens cited in these records. According to the League of Kansas Municipalities, enactment of SB 270 would result in increased costs for cities as they would be required to review and make redactions on certain records. This would require staff time and consultation with the city attorney, as well as other possible costs. The League is unable to estimate what the fiscal effect might be.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Gary Steed, Peace Officers  
Sherry Macke, Highway Patrol  
Wendi Stark, League of Municipalities  
Jay Hall, Association of Counties