

February 20, 2012

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

Dear Senator Brungardt:

**SUBJECT:** Fiscal Note for SB 363 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 363 is respectfully submitted to your committee.

SB 363 concerns racial or other biased-based policing. The bill would require that law enforcement officers collect data on each citation issued. Data to be collected are defined in the bill. The data would be sent to the Division of Motor Vehicles twice a month where it would be compiled into a database. The compiled data would be sent to the Attorney General once a month. The data would then become available to the public and all state law enforcement agencies. The Attorney General's Office would statistically analyze the data for patterns of racial profiling or other biased-based policing at least once every three months and post the results on its website. If a pattern is found, the law enforcement agency would be notified within two weeks. A report would be submitted to the Governor, Legislature and each law enforcement agency once a year.

Law enforcement agencies with ten or more full-time officers and that have established a community advisory board would review the racial profiling and other biased-based police training curriculum, which would then have to be certified by the Kansas Commission on Peace Officers' Standards and Training (CPOST) on or before September 1 of each year. CPOST would also be required to investigate all complaints forwarded to it by the Attorney General.

The Department of Revenue notes the data that are to be submitted by law enforcement and collected by the Division of Motor Vehicles are new data not currently collected. The Division would have to create a database to process the data and forward it to the Attorney General's Office. It anticipates a high volume of data to be received; as such the processing and data entering from hard copy and optical imaged format would cost \$95,026 for two Senior Administrative Assistants, \$754,726 to \$974,626 for 15 to 20 Administrative Assistants, \$35,700 for 0.5 FTE position System Software Analyst II, \$20,000 for server hardware, and \$13,821 to \$17,886 for other operating expenditures. This would be a total annual expenditure of \$919,273 to \$1,143,238. In addition, the agency estimates one-time expenditures for 480 hours of programing to be \$14,400 with operational expenditures of \$74,851 to \$96,866.

The Kansas CPOST states that the requirements of the bill would result in the need for one additional FTE investigator position at \$64,000 and \$5,000 for travel and training. One-time costs would be \$10,000 for a computer and equipment.

The League of Kansas Municipalities is of the opinion that SB 363 would have a sizable fiscal effect on city police departments. The mandated training, data gathering and reporting would result in lost manpower for regular duties. Additional clerical staff could be needed to assist in reporting and data maintenance. Also, the additional time each individual must be detained while the officer gathers and processes the additional data increases the city's exposure of potential litigation because of the allegation of wrongful detention or deprivation of due process. In addition, all 435 law enforcement agencies across the state would have to adapt their citations to include the data information required by the proposed amendments. It is not possible to quantify what the full fiscal effect will be upon cities.

Kansas law enforcement issues approximately 600,000 traffic citations per year. The Attorney General notes that the analyses of the citations would require a statistician/analyst with experience in racial and other biased-based policing data. The Attorney General would have to request bids for this service. Until the bids are received, a cost cannot be estimated. Once the cost is established, it is thought that it would remain relatively constant. Any fiscal effect associated with SB 363 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Megan Henry, Attorney General's Office  
Eric Williams, CPOST  
Larry Baer, League of Kansas Municipalities  
Melissa Wangemann, Kansas Association of Counties  
Steve Neske, Revenue