

May 7, 2015

REVISED

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 285-N
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Revised Fiscal Note for HB 2417 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following revised fiscal note concerning HB 2417 is respectfully submitted to your committee.

HB 2417 would define “decapitation abortion” and make it a crime to perform or attempt to perform such an abortion unless it is necessary to save the life of the mother or it is necessary to prevent a substantial and irreversible physical impairment of a major bodily function of the mother. A woman upon whom the decapitation abortion is performed would not be held liable for the performance of the abortion. An initial violation would be classified as a Class A person misdemeanor. Second or subsequent convictions would be classified as a severity level 10, person felony. The bill also provides for injunctive relief, civil damages and reasonable attorney fees for violations in certain situations.

The Office of Judicial Administration indicates that HB 2417 could create the potential for increased filings, which would increase time spent by district court judicial and nonjudicial personnel in processing, researching and hearing cases. However, until the courts have had an opportunity to operate under the new provisions of the bill, an accurate estimate of the fiscal effect on Judicial Branch expenditures and revenues cannot be made. The Kansas Sentencing Commission states that passage of HB 2417 would have no effect on prison admissions or bed space, but would increase journal entry workload and the probation population by a negligible amount.

The original fiscal note did not state in dollars the estimated fiscal effect provided by the Office of the Attorney General. The agency indicates it could incur additional expenditures in the event there would be legal challenges to HB 2417. If a challenge were to occur, the Office indicates that there would be constitutional issues involved in defending any action and the

agency would likely use the State Solicitor General and associated outside counsel. The could also be additional prosecution costs for the Office if a criminal action is required to be brought under the bill. The agency estimates that the fiscal effect could be a maximum of \$25,000 in FY 2015; \$50,000 to \$150,000 in FY 2016; and a maximum of \$150,000 in FY 2017.

The Board of Healing Arts states that the passage of HB 2417 would result in increased complaints, investigations, and caseload activity and would therefore require an increase in FTE positions and operating expenditures. The table below shows the breakdown for the additional cost of \$634,464 and 8.00 FTE positions.

2.00 FTE Investigator Positions @ \$49,554	\$ 99,108
2.00 FTE Administrative Assistants @ \$38,783	77,566
1.00 FTE Associate Litigation Counsel	68,500
1.00 FTE Assistant General Counsel	68,500
2.00 FTE Legal Assistant Positions @ 49,555	<u>99,110</u>
Subtotal Salaries & Wages	\$412,784
Office Furniture and Equipment @ \$8,000 per person	64,000
Telephone, e-mail, and Internet Lines @ \$640 per month X 12	7,680
Office Space of 1,000 sq. ft. @ \$12.50 per sq. ft. per month	<u>150,000</u>
Total	\$634,464

The Division of the Budget considers the fiscal estimate prepared by the Board of Healing Arts to be excessive. Although it is understandable that the agency would want to be prepared for the implementation of HB 2417, it appears that the estimate includes more FTE positions as well as more operating expenditures than would be necessary. Any fiscal effect associated with HB 2417, as introduced and as amended by the House Committee on Health and Human Services, is not reflected in *The FY 2016 Governor's Budget Report*.

Sincerely,



Shawn Sullivan,
Director of the Budget

cc: Willie Prescott, Attorney General's Office
Mary Rinehart, Judiciary
Cathy Brown, Healing Arts
Scott Schultz, Sentencing Commission