

February 19, 2025

REVISED

The Honorable Renee Erickson, Chairperson
Senate Committee on Education
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Erickson:

SUBJECT: Revised Fiscal Note for SB 164 by Senate Committee on Education

In accordance with KSA 75-3715a, the following revised fiscal note concerning SB 164 is respectfully submitted to your committee.

SB 164 would specify that it would be the declared policy of Kansas that public educational institutions that receive and expend tax dollars would be prohibited from engaging in practices or implementing policies that: (1) discriminate or cause prejudice on the basis of religion or (2) promote or tolerate antisemitism or antiemetic acts. Any person aggrieved by a violation may file a complaint with the Attorney General. If the person aggrieved is under the age of 18, a parent or guardian could file a complaint on behalf of the person.

The Attorney General may investigate any complaint received and during the investigation. The Attorney General may:

1. Subpoena witnesses, evidence, records, documents, or other material related to the complaint;
2. Take testimony under oath;
3. Examine or cause to be examined any records or other material that is relevant to the complaint;
4. Require a person to attend any proceeding and provide testimony under oath regarding any material that is relevant to the complaint;

5. Serve interrogatories; and
6. Administer oaths and affirmations.

The bill specifies the procedures for the Attorney General to issue a subpoena and the procedures if an individual refuses to respond to a subpoena. After investigating a complaint, if the Attorney General finds that a public educational institution violated the bill's provisions, the Attorney General would be required to assess a civil penalty of up to \$10,000 for each violation, which would be credited to the State General Fund. A public educational institution could appeal a penalty assessed in accordance with the Kansas Judicial Review Act.

SB 164 would specify that it would be the declared policy of Kansas that public institutions that receive and expend tax dollars would be prohibited from engaging in practices or implementing policies that are antisemitic or promote antisemitism. No person would be required to participate in programming or training that promotes or degrades any one religion and that governmental entities would be prohibited from enacting policies that promote or degrade any one religion.

The Attorney General may investigate an alleged unlawful employment practice or alleged unlawful discriminatory practice. The Attorney General may file a complaint in the district court where the alleged unlawful employment or alleged unlawful discriminatory practice occurred seeking damages that could not exceed \$10,000 for each violation.

The Office of Judicial Administration indicates enactment of SB 164 could have a fiscal effect on Judicial Branch operations because the bill would allow the Attorney General to file a petition with the district court for a hearing and would allow for appeals to be filed, which could increase the number of cases filed in district court and result in more time spent by court employees and judges processing and deciding cases. The Office indicates enactment of the bill could result in the collection of docket fees and civil penalties assessed in those cases filed under the bill's provisions, which would be credited to the State General Fund. However, a fiscal effect cannot be estimated.

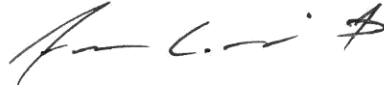
Since the original fiscal note was issued, the Office of the Attorney General now indicates that additional cases would be handled by existing staff and any fiscal effect would be absorbed into existing resources. The agency states additional staff and expenditures from the State General Fund would not be needed.

The Kansas Human Rights Commission indicates the bill's enactment would have a fiscal effect on the operations of the agency; however, the Commission does not have enough information to estimate what that effect would be.

The Kansas Department of Education states the bill's enactment would not have a fiscal effect on agency operations. The Board of Regents states the enactment of the bill would not have a fiscal effect on the operations of the agency or any other Kansas postsecondary educational

institution. Any fiscal effect associated with SB 164 is not reflected in *The FY 2026 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Trisha Morrow, Judiciary
Becky Pottebaum, Board of Regents
Matt Bingesser, Office of the Attorney General
Gabrielle Hull, Department of Education
Ruth Glover, Human Rights Commission