

February 7, 2025

The Honorable Larry Alley, Chairperson
Senate Committee on Commerce
300 SW 10th Avenue, Room 159-S
Topeka, Kansas 66612

Dear Senator Alley:

SUBJECT: Fiscal Note for SB 166 by Senate Committee on Commerce

In accordance with KSA 75-3715a, the following fiscal note concerning SB 166 is respectfully submitted to your committee.

SB 166 would enact the Fostering Competitive Career Opportunities Act. The bill specifies for all hiring considerations, a state employer would not make any decision based solely on an applicant's lack of a postsecondary degree. State employers would be required to determine the baseline requirements for applicants for each job posting. Baseline requirements would include prior direct experience, specific certifications, or specific courses of instruction, but would not include a postsecondary degree requirement. A state employer could require a postsecondary degree for a position if the state employer demonstrates that a degree is necessary for the position based on specific skills required for the position that could only be obtained through the attainment of a degree.

Each job posting would include any tests, training, apprenticeships, or other forms of assessment that may validate the competences of a candidate for the position. For any position which direct experience may be considered instead of a postsecondary degree, the state employer would not require more than: (1) two years for an associate's degree; (2) four years for a bachelor's degree; (3) six years for a master's degree; (4) seven years for a professional degree; and (5) nine years for a doctoral degree.

State employers would be prohibited from issuing a request for proposal or other solicitation for any goods or services that would require any minimum experience or postsecondary educational attainment for any contractor personnel as a prerequisite for consideration for an award of a contract, unless the state employer includes in the request for proposal or solicitation a

statement describing why the needs of the state employer cannot be met without the requirement and how the requirement ensures that the needs would be met.

Any applicant who receives an adverse hiring consideration and who reasonably believes a decision was based solely on the applicant's lack of a postsecondary degree may appeal the decision to the State Civil Service Board. Appeals would be submitted in the form and manner as prescribed by the Board.

Any person may report to the Board any job postings by a state employer that require a postsecondary degree but fail to include the information required by the bill. If it is found that a state employer has violated the bill's provisions, the State Civil Service Board would require the state employer to reopen the process for the hiring consideration in question, require the state employer to modify the job posting, if necessary, and take corrective action as necessary to comply with the bill's provisions. All administrative proceedings would be conducted in accordance with the Kansas Administrative Procedure Act and the Kansas Judicial Review Act.

The Office of Judicial Administration indicates enactment of SB 166 could increase the number of cases filed in district court because of the bill's provision that the Kansas Judicial Act would apply, which could 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 fees 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.

The Department of Administration states that, for agencies under the Governor's jurisdiction, less than 15.0 percent of employees are in jobs that require a postsecondary degree, and the majority of them would satisfy the requirements for requiring a postsecondary degree that are set out in the bill. The bill would require the Department to establish requirements for job postings for positions that require a postsecondary degree and communicate those requirements to all state agencies under the Governor's jurisdiction. The Department states it would also have to ensure that all state agencies follow the specific years of experience that the bill identifies as being able to be substituted for education. While these efforts would require staff time, the Department estimates any fiscal effect would be negligible.

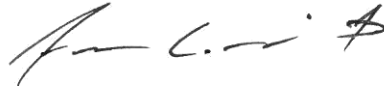
The Office of Administrative Hearings states it is unable to estimate an increase in the number of cases if the legislation is enacted. The Office estimates the number of additional cases would be negligible and the agency could absorb any increase within existing resources. The Office notes that the Department of Administration has the fiscal responsibility to fund the State Civil Service Board.

The Board of Regents states enactment of the bill would have a fiscal effect on the agency and state universities; however, any fiscal effect would be negligible.

The Kansas Department of Transportation, the Office of the Attorney General, the Kansas Department of Health and Environment, the Kansas Department for Aging and Disability Services, and the Department for Children and Families indicate the bill's enactment would not have a fiscal

effect on the operations of any of the respective agencies. Any fiscal effect associated with SB 166 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
Matt Bingesser, Office of the Attorney General
Samir Arif, Department of Administration
Loren Snell, Office of Administrative Hearings
Kim Holter, Department for Children & Families
Amy Penrod, Department of Health & Environment
Leigh Keck, Department for Aging & Disability Services
Brendan Yorkey, Department of Transportation
Becky Pottebaum, Board of Regents