

STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 20, 2018

The Honorable Blaine Finch, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Finch:

SUBJECT: Fiscal Note for HB 2695 by Representative Holscher, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2695 is respectfully submitted to your committee.

HB 2695 would prohibit the use of state funds to settle claims of sexual harassment made against a state officer. The bill would also prohibit a state officer who is the subject of a sexual harassment claim from requesting a non-disclosure agreement as part of a settlement agreement.

The Office of the Attorney General (OAG) indicates that enactment of HB 2695 could increase expenditures from the Kansas Tort Claims Fund related to the costs of defending a state official accused of sexual harassment, including legal representation and expert witness fees. If a state official could not settle a sexual harassment claim using state funds, then he or she may choose to proceed to trial, which could be costlier. However, the OAG also indicates that sexual harassment is an intentional act that is outside of the scope of state employment; therefore, it is unclear as to whether it would be required to defend or indemnify a state employee accused of sexual harassment or found civilly liable for damages relating to sexual harassment. Any fiscal effect associated with HB 2695 is not reflected in *The FY 2019 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink that reads "L. Campbell".

Larry L. Campbell
Chief Budget Officer

cc: Mark Skoglund, Governmental Ethics
Willie Prescott, Office of the Attorney General