

March 23, 2021

The Honorable Kellie Warren, Chairperson
Senate Committee on Judiciary
Statehouse, Room 441B-E
Topeka, Kansas 66612

Dear Senator Warren:

SUBJECT: Fiscal Note for SB 301 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 301 is respectfully submitted to your committee.

SB 301 would create the Child Advocate Act and establish the Office of the Child Advocate (OCA) within the Office of the Attorney General. The purpose of the OCA would be to receive and resolve complaints from legislators and persons involved in the child welfare system alleging that the Kansas Department of Children and Families (DCF), the Department's contracting agencies or the Department of Corrections has provided inadequate protection or care of children, as well as assist the Legislature in conducting oversight of the child welfare system in order to improve the safety and welfare of children in Kansas. The Advocate would be appointed by the Attorney General with the advice and consent and subject to confirmation by the Senate for a term that would expire on January 15 of each year in which the entire Senate is sworn in for a new term and would be paid a salary equal to that of a district court judge. The bill would specify the duties of the Advocate and the OCA which would include:

1. Receiving and investigating complaints;
2. Maintaining a public website;
3. Accessing confidential court records;
4. Working with juvenile intake and assessment workers, juvenile community corrections offices, guardians *ad litem*, and court appointed special advocates;
5. Issuing subpoenas to witnesses and taking statements under oath, including using judicial processes to enforce such compulsory processes;
6. Making referrals to appropriate law enforcement agencies if it believes a criminal investigation is warranted;
7. Producing various reports and submitting reports to the Legislature; and
8. Recommending changes to the child welfare system.

The bill specifies that no retaliatory action could knowingly be taken against any child or employee of the DCF or the Department of Corrections for any communication made or information given to the OCA. A violation would constitute a class A nonperson misdemeanor.

The bill would also create the Joint Committee on Child Welfare System Oversight which would review OCA reports and could recommend changes to the child welfare system and introduce legislation in performing its functions. The Joint Committee would comprise 13 members of the Legislature, with the first chairperson appointed by the Speaker of the House. The members would meet initially on July 1, 2021, at least once during each of the first and second calendar quarters when the Legislature is in regular session and at least once during each of the third and fourth calendar quarters but would be prohibited from meeting more than six times per calendar year. The members would be paid compensation for attendance at meetings or any subcommittee meetings authorized by the Joint Committee. Legislative Administrative Services (LAS), on behalf of the Legislative Coordinating Council, would provide professional services as requested by the Joint Committee. The bill would also amend the Revised Kansas Code for Care of Children to include references to the Office of the Child Advocate and would take effect upon publication in the statute book.

Estimated State Fiscal Effect				
	FY 2021 SGF	FY 2021 All Funds	FY 2022 SGF	FY 2022 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$900,736	\$946,108
FTE Pos.	--	--	--	10.00

According to the Office of the Attorney General (OAG), enactment of SB 301 would result in additional expenditures of \$631,204, including \$543,816 for 6.00 FTE positions to staff the OCA and \$87,387 for other operating expenditures, all from the State General Fund. The FTE positions would include a 1.00 Child Advocate, whose salary is established by the bill as equal to that of a district court judge (\$166,560), 3.00 Investigators to review and investigate complaints (\$68,704 X 3 = \$206,111), 2.00 FTE support staff to assist with complaint intake, data entry and tracking (\$57,421 X 2 = \$114,843), and 0.50 FTE Attorney to provide legal support to the OCA (\$56,302). The agency estimates the cost of other operating expenses associated with setting up the OCA would be \$87,387 and would include office rent; furnishings; travel; IT equipment and services; licensing and training; and office supplies and printing.

Legislative Administrative Services reports that enactment of SB 301 would result in expenditures to the agency of \$34,726 from the State General Fund. Only four of the meeting days would have a fiscal effect, resulting in total costs for 13 legislators of \$30,666. These costs assume salary and subsistence rates are the same on July 1, 2021 as during the 2021 Legislative Session, with each of the 13 legislators receiving \$88.66 per day for salary (\$88.66 X 13 X 4 = \$4,610), \$151 per day for subsistence (\$151 X 13 X 4 = \$7,852), \$0.56 per mile (assuming 250 miles X \$0.56 X 13 X 4 = \$7,280), \$151 per en route day (\$151 X 13 X 4 = \$7,852) and \$6 per day for tolls (\$6 X 13 X 4 = \$312). Employer costs for fringe benefits are estimated to be \$2,760. Costs for salary and wages and fringe benefits for the LAS Joint Committee Assistant for six meeting days and follow-up time to create minutes would be \$4,060.

According to the Kansas Department on Aging and Disability Services (KDADS) enactment of the bill would require the agency to have a dedicated staff to research, track down and timely respond to complaint inquiries received from the Office of the Child Advocate

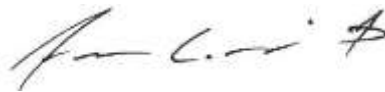
regarding children who have crossed over from the Department of Children and Families into KDADS licensed facilities or have been placed by a court into KDADS' custody for care and treatment. The agency estimates that it would need 1.00 FTE position for these purposes at a cost of \$93,000 from the State General Fund annually for salaries and wages, including fringe benefits.

The Kansas Department of Children and Families estimates that to respond to the provisions of SB 301, it would need 3.00 FTE Program Consultant positions who would be required to coordinate Office of the Child Advocate responses, performance improvement efforts and tracking, at a cost of \$169,193 for salaries and wages, including fringe benefits, and \$17,985 for other operating expenditures associated with furniture, computers and for a total cost of \$187,178. Of that amount, \$141,806 would be from the State General Fund and \$45,372 would be from federal funds.

According to the Kansas Department of Education, enactment of the bill would not have a fiscal effect on school districts. The Kansas Bureau of Investigation, the Kansas Highway Patrol, and the Kansas Department of Corrections report that enactment of the bill would have no fiscal effect on their agencies. The Kansas Department of Health and Environment indicates that enactment of the bill would have no direct effect on the agency as any requests for data or records would be handled from within existing resources. Any fiscal effect associated with SB 301 is not reflected in *The FY 2022 Governor's Budget Report*.

According to the Kansas Association of Counties, enactment of SB 301 is unlikely to have any fiscal effect on counties as the duties created by the bill are assigned to the Attorney General's office. Any work done by county or district attorneys would likely fall within the normal course of their duties. The League of Kansas Municipalities indicates that enactment of the bill would not be expected to have a fiscal effect on Kansas cities.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Paul Weisgerber, KBI
Randy Bowman, Corrections
Debbie Thomas, Judiciary
Sherry Macke, Highway Patrol
Willie Prescott, Office of the Attorney General
Kim Holter, Children & Families
Wendi Stark, League of Municipalities
Jay Hall, Association of Counties
Karen Clowers, Legislative Services
Connie Hubbell, Aging & Disability Services
Dan Thimmesch, Health & Environment
Craig Neuenswander, Education