

February 1, 2022

The Honorable Robert Olson, Chairperson
Senate Committee on Federal and State Affairs
Statehouse, Room 144-S
Topeka, Kansas 66612

Dear Senator Olson:

SUBJECT: Fiscal Note for SB 396 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 396 is respectfully submitted to your committee.

SB 396 would create the Constitution and Federalism Defense Act. The bill would create the Joint Commission on Federalism that would evaluate the constitutionality of federal mandates. The Commission would comprise the following nine members: the President of the Senate (or designee from the Senate) who would serve as co-chair of the Commission; two members of the Senate, appointed by the President of the Senate; the Speaker of the House (or designee from the House of Representatives) who would serve as co-chair of the Commission; three members of the House of Representatives, appointed by the Speaker of the House; the Minority Leader of the Senate (or designee from the Senate); and the Minority Leader of the House of Representatives (or designee from the House of Representatives). The bill would outline the length of service for each member, the quorum requirements, and when meetings could occur. Members of the Commission would be authorized compensation for travel, subsistence, or allowance expenses, as allowed by current statute.

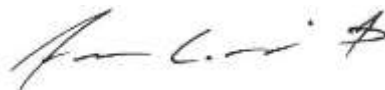
The Commission would be required to keep a current list on the Kansas Legislature's website of the following items: federal law that the Commission would evaluate under the bill; actions taken by a co-chairperson; coordination taken with another state agency; and responses received from the federal government or federal agency that was requested by the Commission. The bill would outline requirements for a report that the Commission would be required to submit on or before January 15 of each year to the standing committees on federal and state affairs of the Senate and the House of Representatives.

The Commission would be able to apply for and receive grants and receive private donations to assist in funding the creation, enhancement, and dissemination of curriculum. The bill would establish in the State Treasury a fund titled the “Constitution and Federalism Defense Fund,” which would be administered by the Legislative Coordinating Council. The bill would require each state agency and political subdivision of the state to designate at least one employee as the individual to which all questions and inquiries regarding federalism would be directed. The designated employee would be required to attend a seminar on the principals of federalism at least once every two years, which could be attended in person or online.

According to Legislative Administrative Services (LAS), SB 396 would require additional expenditures totaling \$53,436 in FY 2023, and each subsequent year, all from the State General Fund. This estimate would assume the same salary and subsistence rates that are in effect on July 1, 2022, along with nine meetings of the Joint Commission each year. Of the costs, expenditures would include \$11,663 for salary and wages (including fringe benefits), \$12,555 for subsistence expenditures, \$11,340 for mileage reimbursement, \$486 for tolls, \$12,555 for enroute day expenditures, and \$4,837 for salary and wages (including fringe benefits) for one assistant. LAS notes that historically, the Legislative per diem and subsistence rates are tied to the federal rates, which increase on October 1 of each year and could increase the cost of meetings held on or after October 1, 2022. In addition, the bill would have the potential for donations to be received by the Commission to assist in funding “the creation, enhancement, and dissemination of curriculum.” However, the amount of donations that would be received by the LCC for this purpose cannot be estimated.

The bill would require at least one designated employee from each state agency and each state political subdivision to receive training from a seminar at least once every two years. In addition, these designated employees would require utilizing staff time to answer questions and inquiries regarding federalism, when posed. However, a cost for the seminars or the staff time cannot be estimated. Any fiscal effect associated with SB 396 is not reflected in *The FY 2023 Governor’s Budget Report*.

Sincerely,

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

Adam Proffitt
Director of the Budget

cc: Karen Clowers, Legislative Services