

February 13, 2019

The Honorable Rick Wilborn, Chairperson  
Senate Committee on Judiciary  
Statehouse, Room 541-E  
Topeka, Kansas 66612

Dear Senator Wilborn:

**SUBJECT:** Fiscal Note for SB 96 by Senate Committee on Ways and Means

In accordance with KSA 75-3715a, the following fiscal note concerning SB 96 is respectfully submitted to your committee.

SB 96 would require that on or before July 1, 2020, the Secretary of Health and Environment, after consultation with the Secretary of Corrections, adopt rules and regulations for areas of the state correctional facility designated to carry out a death sentence. The bill would require the rules and regulations to prescribe standards to carry out a death sentence by intravenous injection in a swift and humane manner, including: sanitation, housekeeping, maintenance, staff qualifications, supplies, equipment, and procedures.

On and after January 1, 2021, at least once each year, the Secretary of Health and Environment would inspect the areas of the state correctional facility designated to carry out a death sentence. The bill would require that authorized agents of the Secretary of Health and Environment have access to the state correctional facility during normal business hours of the Department of Corrections.

| Estimated State Fiscal Effect |                |                      |                |                      |
|-------------------------------|----------------|----------------------|----------------|----------------------|
|                               | FY 2019<br>SGF | FY 2019<br>All Funds | FY 2020<br>SGF | FY 2020<br>All Funds |
| Revenue                       | --             | --                   | --             | --                   |
| Expenditure                   | --             | --                   | \$84,300       | \$84,300             |
| FTE Pos.                      | --             | --                   | --             | 1.00                 |

The Kansas Department of Health and Environment (KDHE) states the agency currently has staff who inspect state and federal non-long-term care health facilities. According to the agency, the program is at full work capacity with current staff and is unable to take on additional responsibilities. In order to implement the bill's provisions, the KDHE states it would need additional expenditures of \$84,300 from the State General Fund in FY 2020, along with an additional 1.00 FTE position. Of this amount, \$75,000 would be for salaries and wages and \$9,300 would be for other operating expenditures. The additional FTE position would collaborate with internal and external partners to write the rules and regulations required in the bill and participate in the inspections process.

The Department of Corrections estimates there would be no fiscal effect in FY 2020; however, the Department indicates there could be a fiscal effect in FY 2021 related to gaining and maintaining compliance with the rules and regulations that would be developed by KDHE. Any fiscal effect associated with SB 96 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,

A handwritten signature in cursive script that reads "L. L. Campbell".

Larry L. Campbell  
Director of the Budget

cc: Dan Thimmesch, Health & Environment  
Linda Kelly, Corrections