

March 6, 2023

The Honorable Will Carpenter, Chairperson  
House Committee on Federal and State Affairs  
300 SW 10th Avenue, Room 346-S  
Topeka, Kansas 66612

Dear Representative Carpenter:

**SUBJECT:** Fiscal Note for HB 2442 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2442 is respectfully submitted to your committee.

HB 2442 would create the Gun Rights Preservation Act. The bill would affirm the state's support of the United States Constitution, including the 10th Amendment, and asserts that acts not delegated by the people in the Constitution are void and have no force. The bill would state that federal supremacy does not extend to federal statutes, executive orders, administrative orders, court orders, rules, regulations, or other actions that collect data or restrict or prohibit the manufacture, ownership, or use of firearms, firearm accessories, or ammunition exclusively within the borders of the state. The bill would state that the power of Congress to regulate commerce does not include any power to limit citizens' right to keep and bear arms nor what sorts of arms and accessories law-abiding Kansas may buy, sell, exchange, or otherwise possess. The bill would also assert that the Legislature rejects any claim that the taxing and spending powers of Congress may be used to diminish the right of the people to keep and bear arms. The bill would also state that the people of Kansas have vested the Legislature with the authority to regulate the manufacture, possession, exchange, and use of firearms subject only to the limits in the 2nd Amendment of the United States Constitution. The bill would also condemn irresponsible and unlawful acts regarding firearms.

The bill lists various federal acts, laws, executive or administrative orders, rules, and regulations that would be considered infringements on the right to keep and bear arms and would be invalid and unenforceable in the state. The bill would prohibit any officer or employee of any state agency or political subdivision to enforce any federal acts, laws, executive or administrative orders, rules, and regulations considered invalid under the provisions of the bill. Any law enforcement agency or political subdivision that employs a law enforcement officer that violates

the provisions of the bill would be liable for any damages resulting from the violation and would be subject to civil penalties of \$50,000 for each occurrence. Any law enforcement agency or political subdivision that employs an individual who previously acted as an official, agent, employee, or deputy of the government, or otherwise acted under the color of federal law within the borders of the state after the effective date of the Act that enforced any red flag law or gave material aid and support to another individual or agency of the government to enforce any red flag law would be subject to civil penalties of \$50,000 for each employee, with certain exceptions. Individuals aggrieved by violations of the bill would be allowed to seek injunctive relief from the court. Courts would be required to hold a hearing within 30 days and could award reasonable attorney fees and court costs to the prevailing party unless the party is the state or one of its political subdivisions. The bill would take effect after its publication in the *Kansas Register*.

Estimated State Fiscal Effect				
	FY 2023 SGF	FY 2023 All Funds	FY 2024 SGF	FY 2024 All Funds
Revenue	--	--	--	--
Expenditure	--	--	\$160,069	--
FTE Pos.	--	--	--	--

The Kansas Bureau of Investigation (KBI) indicates enactment of the bill would affect its ability to collect fees for concealed carry registrations. Under current statute, 80.0 percent of revenue above what is required to operate the concealed carry program is deposited into the Forensic Laboratory Fee Fund. The KBI states an average of \$160,069 is deposited into the Fund annually and is used for salaries and wages for forensic scientists. The KBI indicates that if the bill is enacted, the funding would have to be replaced with an additional appropriation from the State General Fund.

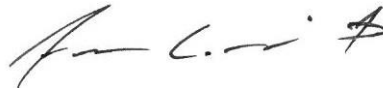
The Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district courts because it allows for a civil action to be filed and requires court hearings to be held within 30 days. This could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases. The bill could also result in the collection of docket fees, which would be deposited into the State General Fund. However, the Office states a precise fiscal effect cannot be determined until the Judicial Branch has had an opportunity to operate under the bill’s provisions.

The Attorney General states that it is possible the bill could be challenged in state or federal court, but it is not possible to determine whether the law would be challenged nor the potential success or failure of efforts to defend the law. As a result, a fiscal effect cannot be estimated.

The Highway Patrol indicates enactment of the bill would not have a fiscal effect on the agency. Any fiscal effect associated with HB 2442 is not reflected in *The FY 2024 Governor’s Budget Report*.

The League of Kansas Municipalities indicates enactment of the bill could increase expenditures for cities if local governments are subjected to the civil liability penalties outlined in the bill. The Kansas Association of Counties states that if the bill prohibits counties from enforcing certain provisions of federal laws tied to federal block grants, then enactment of the bill could decrease federal funding to counties.

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: Vicki Jacobsen, Judiciary  
John Milburn, Office of the Attorney General  
Wendi Stark, League of Kansas Municipalities  
Jay Hall, Kansas Association of Counties  
Paul Weisgerber, Kansas Bureau of Investigation  
Sherry Macke, Highway Patrol