

February 6, 2023

The Honorable Mike Thompson, Chairperson
Senate Committee on Federal and State Affairs
300 SW 10th Avenue, Room 144-S
Topeka, Kansas 66612

Dear Senator Thompson:

SUBJECT: Fiscal Note for SB 93 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 93 is respectfully submitted to your committee.

SB 93 would create the Constitution and Federalism Defense Act and would establish the Joint Commission on Federalism. The commission would comprise nine members: the President of the Senate (or appointee of the President); the Speaker of the House of Representatives (or appointee of the Speaker); two members appointed by the President; three members appointed by the Speaker; and the minority leaders of the Senate and the House of Representatives. The members of the commission would be eligible for compensation, travel, and subsistence expenditures, as allowed by current law.

The commission would be able to evaluate a federal law and request information from a US Senator or US Representative and could recommend to the Governor that a special session of the Legislature be called to respond to an evaluation of the commission. The bill would outline the responsibilities of the commission and what materials the commission could use to evaluate a federal law.

The bill would require the joint commission to develop a curriculum for a seminar on the principals of federalism for the general public and would include the history of the United States and the authority and limits of the federal government. The commission would be able to apply and receive grants and receive private donations in funding the curriculum and seminars. The bill would require each state agency and political subdivision of the state to designate at least one employee as the individual for which all questions and inquiries regarding federalism would be directed. The designated employee would be required to attend the seminar on the principals of federalism at least once every two years. The bill would establish in the State Treasury the

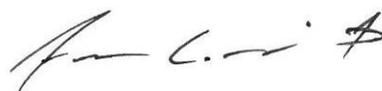
Constitution and Federalism Defense Fund to be administered by the Legislative Coordinating Council to receive grants and donations for expenses associated with the seminars.

Legislative Administrative Services estimates that the joint commission would meet for nine meetings per year at a cost of \$54,991 from the State General Fund, beginning in FY 2024. This estimate includes \$49,368 for salary, subsistence, mileage and toll reimbursements, as well as fringe benefits and \$5,623 for committee assistant expenditures, including fringe benefits. All expenditures would be from the Legislature's State General Fund budget.

The Division of the Budget notes that any expenditure authorization for the Constitution and Federalism Defense Fund would have to be included in an appropriation bill enacted by the Legislature. However, revenues and expenditures for the fund cannot be estimated, as it is unknown which individuals and organizations would make donations to the fund and how much funds would be available in a given fiscal year. The Division notes that if sufficient revenues were not collected for the expenses of the seminars, expenditures would have to be made from existing State General Fund appropriations of the Legislature or the Legislative Coordinating Council.

In addition, the Division estimates that additional administrative time would be required by each state agency and political subdivision for compliance with the bill's provisions regarding seminar attendance and any inquiries regarding federalism. Any fiscal effect resulting from these additional responsibilities would likely be negligible beyond normal operating expenditures of each agency and political subdivision. Any fiscal effect associated with SB 93 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,



Adam Proffitt
Director of the Budget

cc: Karen Clowers, Legislative Services
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties