

March 1, 2023

The Honorable Francis Awerkamp, Chairperson  
House Committee on Welfare Reform  
300 SW 10th Avenue, Room 152-S  
Topeka, Kansas 66612

Dear Representative Awerkamp:

**SUBJECT:** Fiscal Note for HB 2430 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2430 is respectfully submitted to your committee.

HB 2430 would enact the Safe Cities Act. The bill would prohibit a political subdivision from adopting or enforcing a policy that directly or indirectly prohibits or discourages the enforcement of an order or ordinance prohibiting public camping, sleeping, or obstructing public right-of-ways. Under the bill, a political subdivision would not prohibit or discourage a peace officer or prosecuting attorney employed by the political subdivision from enforcing an order or ordinance prohibiting public camping, sleeping, or obstructing public right-of-ways. The bill would not prohibit a policy that encourages diversion programs or offering of service in lieu of a citation or arrest.

The Attorney General would have the power to bring a civil action against a political subdivision for violations of the Act and could recover reasonable expenses. Political subdivisions with a higher per-capita rate of homelessness than the state average would not receive state funding designated for addressing homelessness until the Department allocating the funds determines that the political subdivision is compliant with the Act.

It would be unlawful to use state or local government-owned lands for unauthorized sleeping, camping or long-term shelters, unless it is authorized by law or municipal ordinance. Violations would be an unclassified nonperson misdemeanor with a fine not to exceed \$1, and any second or subsequent violation would be a class C nonperson misdemeanor.

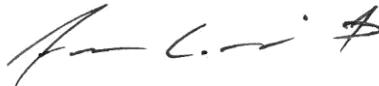
The Judicial Branch states that the bill could increase the number of cases filed in district court because the bill creates a new crime and allows the Attorney General to file a new cause of

action, which would increase the time spent by judicial and nonjudicial personnel in processing, researching, and hearing cases. Because the new crime carries a misdemeanor penalty, there could be more supervision of offenders required by court services officers. The bill could result in the collection of docket fees, fines, and supervision fees that would be deposited into the State General Fund. However, a fiscal effect cannot be estimated because the number of cases is unknown.

The Office of the Attorney General states that the bill could generate additional litigation for its Office; however, the Office cannot estimate a fiscal effect at this time. The Department of Commerce states that the bill would not have a fiscal effect. Any fiscal effect associated with HB 2430 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties states that the bill could have a fiscal effect for the political subdivisions with homelessness rates above the state average; however, a fiscal effect cannot be estimated. The League of Kansas Municipalities states that the bill could have a negligible fiscal effect on cities.

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: Sherry Macke, Highway Patrol  
Wendi Stark, League of Kansas Municipalities  
Jay Hall, Kansas Association of Counties  
John Milburn, Office of the Attorney General  
Vicki Jacobsen, Judiciary  
Sherry Rentfro, Department of Commerce