

January 29, 2025

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 38 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 38 is respectfully submitted to your committee.

SB 38 would create the Defend the Guard Act. Any member of the Kansas National Guard would not be released from the state into active-duty combat unless the United States Congress has passed an official declaration of war or has taken official action to activate members of the Kansas National Guard. The Governor would be required to take actions necessary to comply with the Act. The bill would not limit or prohibit the Governor from consenting to deployment of Kansas National Guard members for defense support of civil authority missions.

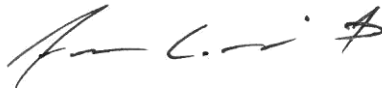
The Adjutant General's Department states that if the state's National Guard becomes unavailable for federal missions, then that state would lose federal funding to organize, train, and equip its National Guard force. Kansas's average annual federal fund receipts are approximately \$273.4 million. If the bill were enacted, Kansas could lose full-time federal and state jobs, armories, and equipment. Furthermore, local governments would no longer have armories, personnel, and equipment in their communities to assist in responding to disasters and emergencies. If the number of National Guard members decreased, then state income tax revenues could also decrease.

The Office of the Governor states that bill would not affect daily operational expenditures or revenues. However, because the bill would infringe on the Governor's role as the Commander in Chief, the Office could have unknown litigation expenditures.

According to the Office of the Attorney General, the legality of the bill would likely be challenged. It is unknown if the work would be performed with current staff or contracted out or how long the litigation would take. Therefore, the Office cannot estimate a fiscal effect. Any fiscal effect associated with SB 38 is not reflected in *The FY 2026 Governor's Budget Report*.

The Kansas Association of Counties indicates that the bill could have a fiscal effect on counties depending on when guard members would be deployed, and therefore cannot estimate a fiscal effect. The League of Kansas Municipalities states that the bill would not have a fiscal effect on cities.

Sincerely,

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

Adam C. Proffitt  
Director of the Budget

cc: Michael Neth, Office of the Adjutant General  
Ethan Belshe, Office of the Governor