

January 24, 2012

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Fiscal Note for HB 2421 by Representatives O'Brien and Goodman

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2421 is respectfully submitted to your committee.

HB 2421 would create the Kansas Firearms Freedom Act. This Act would exempt specified personal firearms, firearm accessories and ammunition manufactured and kept in the State of Kansas from being subject to federal law or federal regulation, including registration. It would also exempt generic parts and materials associated with the manufacture or consumer product application of personal firearms, firearm accessories and ammunition from federal regulation. In addition, the bill would exempt firearm accessories that are imported into Kansas from another state from federal regulations under intrastate commerce because these accessories would be used in conjunction with a firearm in Kansas. Passage of HB 2421 would make attempts to enforce acts, orders, laws, statutes, rules or regulations of the federal government upon a firearm, firearm accessory, or ammunition manufactured and kept in Kansas a severity level ten nonperson felony.

According to the Kansas Bureau of Investigation and the Kansas Department of Wildlife, Parks and Tourism, passage of HB 2421 would have no fiscal effect on those agencies' budgets. The Kansas Sentencing Commission indicates that passage of this bill would have no effect on the prison population, and any effect on the probation population and workload of the Commission would be negligible and could be paid from existing resources.

The Office of the Attorney General states that passage of HB 2421 could result in the Office being called upon to defend the constitutionality of the bill in state or federal courts. An unsuccessful defense in a federal court action would expose the state to liability for the plaintiff's

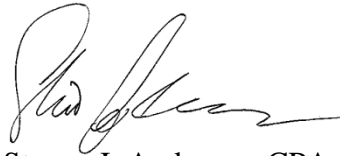
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attorney's fees. Any fiscal effect associated with HB 2421 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", with a long horizontal flourish extending to the right.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Linda Durand, KBI
Megan Henry, Attorney General's Office
Chris Tymeson, Wildlife, Parks & Tourism
Scott Schultz, Sentencing Commission