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**Testimony in Support of House Bill 2778**

**Presented to the House Committee on Federal and State Affairs  
By Kansas Attorney General Derek Schmidt**

**March 16, 2018**

Chairman Barker and Members of the Committee:

Thank you for this opportunity to offer this testimony in support of House Bill 2778.

Last year, this Legislature approved a bill to discourage the use of state public funds in a way that would subsidize economic boycotts of Israel, and the governor signed it into law. That legislation, codified at K.S.A. 2017 Supp. 75-3740e and 75-3740f, soon was challenged in federal court by an individual plaintiff represented by the American Civil Liberties Union in *Koontz v. Watson*.

My impression of the Legislature's intent in crafting last year's legislation was that the legislation was not intended to apply to individuals situated like Ms. Koontz. However, a federal district court has preliminarily determined that it does. Thus the main effect of House Bill 2778 would be to clarify legislative intent as to the scope of entities to which last year's law is intended to apply. I applaud the many parties who have worked together to craft this clarifying legislation.

In addition, House Bill 2778 includes a plain statement of the economic public policy purpose that the law is intended to advance.

Because House Bill 2778 appears to clarify the legislative purpose of last year's law while maintaining the important public policy of promoting the Kansas economic relationship with the State of Israel, I encourage you to adopt House Bill 2778.

Thank you for considering my testimony.

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