

January 29, 2020

The Honorable John Barker, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 285-N
Topeka, Kansas 66612

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2476 by Representative Capps, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2476 is respectfully submitted to your committee.

HB 2476 would require each school district superintendent, chief administrative officer of a public postsecondary educational institution, and chief administrative officer of a state or municipal building to prominently display the national motto. The display would be required to be located in each public elementary and secondary school library and classroom; public postsecondary educational institution; and state or municipal building.

The display would include the following:

1. The national motto of the United States: "In God We Trust;"
2. An accurate representation of the flag of the United States; and
3. An accurate representation of the flag of the State of Kansas.

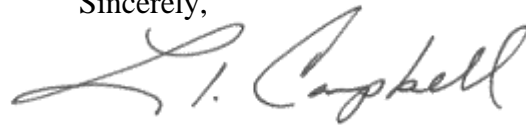
Displays required by the bill would be donated or would be purchased by the respective state or municipal agency solely with funds made available through voluntary contributions to the state or municipal agency or to the Department of Administration.

The Kansas Department of Education, the Board of Regents, and the Department of Administration indicate enactment of the bill would have no fiscal effect because the displays would be funded with voluntary contributions.

The Office of the Attorney General states enactment of the bill could result in a constitutional legal challenge. Depending on the workload of the Attorney General's civil litigation attorneys, the agency estimates there could be a need to retain outside counsel. The cost for hiring outside counsel would depend on which counsel is selected. If the state did not prevail in a legal challenge, the state could be liable to pay the prevailing party's attorney's fees. Any fiscal effect associated with HB 2476 is not reflected in *The FY 2021 Governor's Budget Report*.

The League of Kansas Municipalities states that while the displays would be funded with voluntary contributions, there is a potential cost to cities associated with litigation. According to the League, many states have similar provisions in state law that have been challenged on constitutional grounds. In these cases, the provision has typically been upheld, but only after the government entity engaged in litigation.

Sincerely,

A handwritten signature in black ink that reads "L. L. Campbell". The signature is fluid and cursive, with the first and last names being more prominent than the middle initial.

Larry L. Campbell
Division of the Budget

cc: Trey Cocking, League of Municipalities
Jay Hall, Association of Counties
Kelly Oliver, Board of Regents
Jeff Scannell, Department of Administration
Dale Dennis, Education