

March 5, 2019

The Honorable Fred Patton, Chairperson
House Committee on Judiciary
Statehouse, Room 519-N
Topeka, Kansas 66612

Dear Representative Patton:

SUBJECT: Fiscal Note for HB 2320 by Representative Garber, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2320 is respectfully submitted to your committee.

HB 2320 would establish the Marriage and Constitution Restoration Act and would define various terms relating to marriage, religion and sexual orientation. The bill would reference various federal court decisions and the United States Constitution to establish cause for the State of Kansas to establish definitions and policies relating to those terms listed in the bill.

The Office of the Attorney General indicates enactment of HB 2320 would likely result in a legal challenge and could affect the Tort Claims Fund. This would require the Office to procure outside counsel to assist in defense of the bill. The Office also estimates HB 2320 could result in a monetary judgment against the state, as well as an order to pay the prevailing party's attorney fees. The Office indicates these as potential fiscal effects because the bill would challenge legal precedent relating to marriage, religion and what is considered unlawful discrimination. However, the Office is unable to determine the specific fiscal effect on expenditures. The Judicial Branch estimates enactment of HB 2320 would have no fiscal effect on the courts. Any fiscal effect associated with HB 2320 is not reflected in *The FY 2020 Governor's Budget Report*.

Sincerely,



Larry L. Campbell
Director of the Budget

cc: Janie Harris, Judiciary
Chardae Caine, League of Municipalities
Jay Hall, Association of Counties
Willie Prescott, Office of the Attorney General