

February 27, 2019

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

Dear Representative Barker:

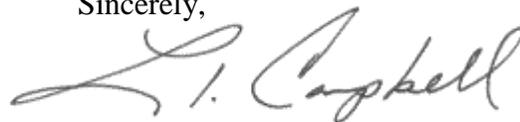
SUBJECT: Fiscal Note for HB 2378 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2378 is respectfully submitted to your committee.

HB 2378 would prohibit landlords of subsidized apartments from restricting or prohibiting the lawful ownership, use or possession of a firearm in rental agreements. The bill would allow a landlord to impose reasonable restrictions related to the possession, use or transport of a firearm within common areas. If a landlord violates the provisions of the bill, a tenant would be able to recover actual damages and reasonable attorney fees from the landlord. In addition, the bill would limit the civil liability imposed on a landlord who is in compliance with the provisions of the bill to cases of “willful, reckless or gross negligence.”

The Office of the Attorney General indicates that enactment of HB 2378 could result in litigation challenging the constitutionality of the bill. The agency states there could be a need to retain outside counsel, depending on the workload of the agency’s civil litigation attorneys. However, the fiscal effect cannot be estimated because the cost of hiring outside counsel would depend on how many cases are filed, which outside counsel is selected and the duration of the cases. Any fiscal effect associated with HB 2378 is not reflected in *The FY 2020 Governor’s Budget Report*.

Sincerely,



Larry L. Campbell
Division of the Budget

cc: Willie Prescott, Office of the Attorney General