

May 5, 2021

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

Dear Representative Barker:

SUBJECT: Fiscal Note for HB 2449 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2449 is respectfully submitted to your committee.

HB 2449 would prohibit a business in Kansas from refusing to provide any service, product, admission to a venue, or transportation because a person has or has not received a vaccination. A ticket issuer could not penalize, discriminate against, or deny access to an entertainment event because a ticket holder has or has not received a vaccination.

Upon finding that a business has violated provisions of the bill, a court would be required to order the suspension of all licenses issued by the state or any political subdivision that are held by that business for at least 30 days, but not more than a year. In addition, a violation of any provision of the bill would be a severity level 7, nonperson felony.

The bill would prohibit state, county, and local governments from:

1. Requiring any person to obtain a vaccination, except for employees of a hospital, medical facility, long-term nursing home facility, or students or faculty of a public elementary or secondary school, unless a student's parent or guardian is opposed to vaccinations;
2. Requiring any person to obtain a vaccination as a condition for receiving any government benefit or services, issued license, or permit; entrance into any public building; or use of public transportation;
3. Providing any special privilege, financial benefit, or other incentive to any person receiving a vaccination;
4. Restricting the manner of any worship service or activity in any way in the state;

5. Suspending, regulating, or prohibiting the conduct of any worship service or activity in the state;
6. Limiting the number of participants of any worship service or activity in the state, other than by enforcing limitations imposed by fire codes;
7. Restricting any business activity in the state that would prevent a business from providing its products or services to the public if the business has all licenses and permits to do business in the state;
8. Requiring that a United States citizen remain at home; or
9. Imposing upon a United State citizen any curfew based on an epidemic or other public health reason.

Violation of any of the above provisions would be a severity level 7, nonperson felony.

The bill would require that the State Capitol to be open to the public between the hours of 8:00am and 5:00pm on all weekdays, except on state public holidays. All meetings in the Capitol would be open to the public and no restriction on the number of members of the public present in:

1. Any meeting room for any Legislative committee shall restrict the number of members to the public to fewer than 15 persons;
2. The gallery for the House of Representatives shall restrict the number of members of the public to less than 50 persons; and
3. The gallery for the Senate shall restrict the number of members of the public to less than 50 persons.

The bill would state that any regulation of business activity imposed by a proclamation issued by the Governor could not have a duration of more than 30 days and may be terminated if either the House of Representatives or the Senate adopts a resolution disapproving the order by a majority vote.

The bill would state that the provisions of HB 2449 are severable and if any provision would be held invalid or unconstitutional, the remaining provisions would remain in effect. The bill would become effective upon publication in the statute book.

HB 2449 has the potential for increasing litigation in the courts because of the new crime created by the bill. If it does, there would be a fiscal effect on the operations of the court system. However, it is not possible to estimate the number of additional court cases that would arise or how complex and time-consuming they would be. As a result, a fiscal effect cannot be estimated. In any case, the fiscal effect would most likely be accommodated within the existing schedule of court cases and would not require additional resources.

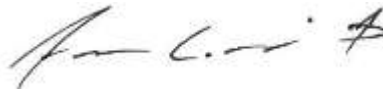
The Kansas Sentencing Commission estimates that the enactment of the bill would create a new crime; however, because the bill would provide a severity level 7 nonperson felony

conviction, there would be a low probability an offender would receive a prison sentence. Because of this, the agency estimates the total number of convictions each year would be low and any effect on prison admissions, prison beds and the agency's workload would be negligible.

Legislative Administrative Services indicates that the enactment of HB 2449 could be implemented within its existing budget resources and would have no fiscal effect.

The bill could have a fiscal effect on cities and counties in Kansas. However, a fiscal effect cannot be estimated.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Proffitt", with a stylized flourish at the end.

Adam Proffitt
Director of the Budget

cc: Debbie Thomas, Judiciary
Ryan Wright, Office of the Governor
Willie Prescott, Office of the Attorney General
Scott Schultz, Sentencing Commission
Wendi Stark, League of Municipalities
Jay Hall, Association of Counties
Karen Clowers, Legislative Services