

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 45

As Amended by House Committee on Elections

Brief*

SB 45, as amended, would prohibit the use of state-appropriated money for a broad range of publicity and publications designed to support or defeat enactment of legislation before the federal government, state Legislature, or local government legislative body. The bill would further prohibit use of state appropriations for activities related to advocacy or promotion of gun control.

The general prohibition is detailed as follows:

- No portion of any state appropriation shall be used for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, publication, electronic communication, or radio, television, or video presentation designed to support or defeat the enactment of legislation before the federal government, state Legislature or local government legislative body. The bill would exempt these uses in the cases of normal and recognized executive and legislative relationships.

Additional prohibitions related to gun control advocacy include the following:

- No legislative appropriation shall be used to support or defeat any proposed or pending regulation, administrative action, or order issued by the federal government, any state agency, or local government relating to gun control advocacy or promotion.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- No portion of a state appropriation could be used to pay the salary or expenses of any grant or contract recipient, or agent acting on behalf of a recipient, regarding any activity designed to influence enactment of legislation, an appropriation, a regulation, an administrative action, or an executive order at the federal, state, or local governing body levels regarding advocacy or promotion of gun control.
- These prohibitions include any activity to advocate or promote any proposed, pending, or future federal, state, or local tax increase, or requirement or restriction on any legal consumer product, including its sale or marketing, relating to advocacy or promotion of gun control.

Background

Proponents at the hearing before the Senate Committee on Ethics, Elections and Local Government included: representatives of the Kansas State Rifle Association, the National Rifle Association, and Oath Keepers, and a private citizen. Written proponent testimony was provided by a representative of Americans for Prosperity, Kansas. Proponents said tax dollars should not be used to influence spending by state government or to advocate for gun control or against legal activities and products, particularly those products with constitutional protection.

Opponent testimony was presented by the president-elect of the Kansas Association of School Boards, who serves as a member of the school board for Seaman USD 345. He stated: voters can remove local officials who they believe use public funds inappropriately; associations efficiently present the views of geographically diverse entities; and elected officials need to hear from groups with specialized information. He also requested clarification of several terms in the bill.

The Senate Committee amended the bill to limit its application to advocacy or promotion of gun control (the original bill was written broadly so as not to limit it to gun control advocacy). The bill also was amended to clearly prohibit use of appropriated moneys for advocacy before the federal government.

The House Committee on Elections amended the bill to create a broad prohibition on use of state appropriations for publicity and publications designed to support or defeat enactment of legislation before the federal, state, or local government, other than for normal and recognized executive and legislative relationships. The bill maintains additional prohibitions related to spending related to advocacy or promotion of gun control.

The Division of the Budget fiscal note on the original bill indicated, by limiting the use of state moneys, the bill would have no fiscal effect. However, its effect on spending by state agencies or organizations that receive state moneys from grants or contracts cannot be predicted.