

SESSION OF 2003

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2040**

As Amended by House Committee on  
Federal and State Affairs

**Brief\***

HB 2040 would enact the "Religious Freedom Restoration Act." The bill would prohibit the state and local units of government from substantially burdening a person's or group's exercise of religion, except when the burden was to further a compelling governmental interest. A person whose religious exercise has been burdened in violation of the act could bring a judicial proceeding to obtain appropriate relief. The prevailing party could receive attorney fees and costs.

The House Committee amended the bill to exempt from the act the management and operation of the Department of Corrections. Another amendment provides that the prevailing party against the state shall be entitled to reasonable attorney fees and costs. The last amendment added "groups" to the requirements of the bill.

**Background**

Representative Dan Williams testified in favor of the bill. Testifying in opposition to the bill was a representative of the League of Kansas Municipalities. The Secretary of Corrections requested an amendment to provide an exception for the Department of Corrections for the management and operation of the Department.

The fiscal note indicates that HB 2040 would have no fiscal effect on state government unless a provision of the bill resulted in litigation, which cannot be predicted in the absence of experience.

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\*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/kldr>