

February 17, 2011

The Honorable Lance Kinzer, Chairperson
House Committee on Judiciary
Statehouse, Room 165-W
Topeka, Kansas 66612

Dear Representative Kinzer:

SUBJECT: Fiscal Note for HB 2260 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2260 is respectfully submitted to your committee.

HB 2260 would create the Kansas Preservation of Religious Freedom Act. The bill would prohibit state and local governments from substantially burdening a person's religious exercise unless the government can prove that the burden is advancing a compelling government interest and is the least restrictive way of advancing the interest. A person who has been burdened or is substantially likely to be burdened under this Act, could file a judicial proceeding and a court could grant remedies described in the bill. The bill would apply to all government actions including but not limited to all state and local laws, ordinances, rules, regulations, and policies, including the implementation no matter when it was enacted or adopted.

HB 2260 has the potential for increasing litigation in the courts because of the new violation created by the bill. If it does, the Office of Judicial Administration indicates that there would be a fiscal effect on the operations of the court system. However, it is not possible to predict the number of additional court cases that would arise or how complex and time-consuming they would be. Therefore, a precise fiscal effect cannot be determined. 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 Office of the Attorney General indicates that passage of HB 2260 could increase litigation in the Civil Protection Division. This bill has the potential for increasing attorney time devoted to claim defense. Any claims and related operating expenditures would be paid by the Tort Claims Fund, which is financed by transfers from the State General Fund. The agency estimates each fiscal year could incur expenditures and claims above \$100,000. However, since the number of claims that will be filed is unknown, a precise fiscal effect cannot be estimated.

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According to the League of Kansas Municipalities, passage of HB 2260 would subject cities to litigation under the Act, although a precise fiscal effect cannot be estimated. Any fiscal effect associated with HB 2260 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven J. Anderson", written in a cursive style.

Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Megan Pinegar, Attorney General's Office
Mary Rinehart, Judiciary
Larry Baer, League of Municipalities
Melissa Wangemann, Kansas Association of Counties