

March 17, 2011

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Fiscal Note for HB 2384 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2384 is respectfully submitted to your committee.

HB 2384 would create the Kansas Preservation of Religious Freedom Act. The bill would prohibit government from substantially burdening a person's exercise of religion. The prohibition would not apply if the government could demonstrate that application of the burden is for the protection of a compelling government interest and is the least restrictive means of furthering that government interest. HB 2384 would provide for a variety of remedies when a person's exercise of religion has been burdened or is substantially likely to be burdened. The prohibition would apply to all government action including state and local laws, ordinances, rules, regulations and policies, regardless of whether the actions were implemented before or after passage of the act.

The Office of Judicial Administration and the Office of the Attorney General both state that passage of HB 2384 would result in additional case filings and litigation. The Office of the Attorney General anticipates additional costs in terms of attorney time devoted to claim defense and funds expended from the Kansas Tort Claims Fund. HB 2384 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. Any fiscal effect associated with HB 2384 is not reflected in *The FY 2012 Governor's Budget Report*.

Sincerely,



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

cc: Mary Rinehart, Judiciary

Megan Pinegar, Attorney General's Office