

February 13, 2013

The Honorable Arlen Siegfroid, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 185-N
Topeka, Kansas 66612

Dear Representative Siegfroid:

SUBJECT: Fiscal Note for HB 2203 by Representative Kinzer, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2203 is respectfully submitted to your committee.

HB 2203 would be cited as the Kansas Preservation of Religious Freedom Act. A person whose exercise of religion has been or is likely to be burdened may assert violation as a claim or defense in a judicial proceeding. A court may grant appropriate relief as may be necessary.

The bill states that in determining whether a compelling governmental interest is sufficient to justify a substantial burden on a person's exercise of religion, only those interests of the highest order and not otherwise served can overbalance the fundamental right to the exercise of religion. The government would have to demonstrate that the standard is satisfied through application of the asserted violation of this act to the particular claimant whose sincere exercise of religion has been burdened. The application of the burden must be the least restrictive means of furthering that compelling governmental interest.

The Act would not be construed to impair the fundamental rights of a parent to control the care and custody of minor children; authorize any relationship that would violate the Kansas Constitution; limit religious organizations or activity from receiving funding; or permit abortion. This Act would not apply to rules and regulations imposed within correctional facilities necessary to maintain order.

Passage of HB 2203 could increase the number of cases filed in district courts and the number of appeals relating to possible violation of the Kansas Preservation of Religious Freedom Act. This would increase the time spent by district court and appellate court judicial and non-judicial personnel in processing, researching, and hearing cases. Passage would also result in collection of docket fees and penalties in those cases filed. However, until the courts have had

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an opportunity to operate under the provisions of HB 2203, an accurate estimate of the fiscal effect cannot be given by the Judicial Branch. Any fiscal effect associated with HB 2203 is not reflected in *The FY 2014 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: Mary Rinehart, Judiciary