

# FISCAL NOTE

Bill Version: HB 387  
 (H) Publish Date: 3/3/00

STATE OF ALASKA  
 2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected All  
 Title "An Act prohibiting governmental entities, BRU \_\_\_\_\_  
 including ..., from restricting a person's free exercise of religion." Component \_\_\_\_\_  
 Sponsor Representative Croft \_\_\_\_\_  
 Requester House Community and Regional Affairs Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*****	*****	*****	*****	*****	*****

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2000) cost: \_\_\_\_\_

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

HB 387 prohibits a school board or school district, a municipality, or a state agency from restricting a person's free exercise of religion unless the restriction is in the form of a rule of general applicability and does not intentionally discriminate against religion or among religions, and application of the restriction to the person is essential to further a compelling government interest and is the least restrictive means of furthering that compelling government interest. The bill further allows a person to bring a civil action against a school board or school district, a municipality, or a state agency for violating this section. The court may grant a declaratory judgment, an injunction, or damages.

Under existing law, individuals can and do sue the State of Alaska claiming their right to free exercise of religion has been infringed. However, they cannot seek damages from the state and

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**BILL NO. HB 387**

**ANALYSIS CONTINUATION**

have only limited ability to get damages from state officials under federal law. This bill would create a new civil action for damages.

Providing for an award of damages may encourage more litigation in this area. At a minimum, it will make suits more time consuming and complicated, as the damages will have to be evaluated. The more significant fiscal impact, however, would be the damages themselves, should a plaintiff prevail. What the actual amount might be, or which agencies might be sued, cannot be predicted.