

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 195(STA)
 (H) Publish Date: 4/11/01

Revision Date/Time (Note if correction): _____ Dept. Affected: All
 Title "... requiring governmental entities to meet ... BRU _____
requirements ... burden on a person's free exercise of religion." Component _____
 Sponsor Representative Dyson
 Requester House State Affairs Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	*****	*****	*****	*****	*****	*****

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	*****	*****	*****	*****	*****	*****

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 HB 195 prohibits a governmental entity from placing a burden on a person's free exercise of religion unless the governmental entity demonstrates with clear and convincing evidence that the application of the burden to the person is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. The bill further allows a person to bring a civil action against a governmental entity for violating this section. The court may grant an injunction and attorney fees. A "governmental entity" includes a branch, department, agency, instrumentality, or corporate authority of the state, an official or other person acting under the color of state law, or a political subdivision of the state.

 The Department of Law is unable to quantify the increased costs to the state that are likely to arise from passage of this legislation, but anticipates they will occur in the following areas:

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 Approved by: Kathryn Daughhetee for Bruce M. Botelho, Attorney General Date 4/3/01
 Agency: Department of Law

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BILL NO. HB 195 FN#1

ANALYSIS CONTINUATION

Increased prisoner litigation: Prisoners are a very litigious group, and it is not unusual for them to "find religion" while incarcerated, and claim those beliefs are connected to a new or traditional religion. The inmates then wish to engage in religious practices or rituals that can cause serious security and administrative problems. Passage of this legislation will provide them with a new state remedy to pursue this type of litigation and experience indicates they will do so.

Increased time to defend cases: This bill potentially alters the standard the state must meet to justify the burden on an individual's religion. The state must show a compelling governmental interest, and use the least restrictive means when it substantially burdens religion. This is the most demanding test known in constitutional law. Cases will be more difficult to defend, requiring more legal resources.

Employee accommodation costs: This bill would apply to the state as an employer. The high standard of compelling governmental interest could require the state to provide more accommodation for employees' religious beliefs. These accommodations may come at a financial cost.