

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3812-02
Bill No.: SB 958
Subject: Political Subdivisions; Religion; Civil Rights
Type: Original
Date: January 22, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	\$0	(More than \$100,000)	(More than \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	\$0	(More than \$100,000)	(More than \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	(More than \$100,000)	(More than \$100,000)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** note that there could be a number of court cases to determine the parameters of the proposal and establish limits in specific areas. However, over time, CTS does not expect a significant increase in the volume of civil litigation and, therefore, assumes no fiscal impact.

Officials from the **Department of Corrections (DOC)** state the proposal will essentially create a law guaranteeing a person's free exercise of religion. DOC assumes they will not be able to have any restrictions on incarcerated offenders unless it is a compelling governmental interest in the least restrictive means. DOC states the least restrictive means of providing free exercise of inmates' religious beliefs could require additional personnel to provide inmates the religious services of their choosing and varied religious paraphernalia. Additional meeting space may be required, which could therefore require capital improvements. The least restrictive means to provide for special dietary requirements could require operation of separate food service/dining operations which could also require capital improvements. These requirements could very well apply to each facility operated by the DOC and the burden is on the department to provide these things.

DOC states that additional inmates could challenge DOC regulations in state court and issues which have been decided in federal court could be relitigated in state court. An individual would be competent and sufficient by themselves to determine and establish a religious practice under the religious exercise clause. There would no longer be a necessity for a practice or belief to be endorsed by a larger religious community before the DOC would be required to allow/facilitate the expression of in individuals' religious practices.

DOC assumes the various components of this bill, and their potential for excessive fiscal impact, would result in unknown costs to the DOC which could very well exceed \$100,000 per year. DOC notes that these same concerns would likely hold true for jails throughout the state.

Oversight agrees that the same issues could apply to jails operated by political subdivisions.

Oversight assumes any additional costs related to the Department of Corrections and political subdivisions would not occur until FY 2004.

FISCAL IMPACT - State Government

FY 2003
(10 Mo.)

FY 2004

FY 2005

GENERAL REVENUE

Costs - Department of Corrections

Due to Exercise of Religion

\$0

(More than
\$100,000)

(More than
\$100,000)

FISCAL IMPACT - Local Government

FY 2003
(10 Mo.)

FY 2004

FY 2005

LOCAL FUNDS

Costs - Jails

Due to Exercise of Religion

\$0

(More than
\$100,000)

(More than
\$100,000)

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal requires that the compelling state interest test be imposed on all government laws and ordinances that might infringe upon one's exercise of religion. Nothing in the proposal shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on civil rights law.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator
Department of Corrections

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Acting Director

January 22, 2002