

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0406-01  
Bill No.: SB 12  
Subject: Religion: Civil Rights  
Type: Original  
Date: January 27, 2003

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>                   |            |                                     |                                     |
|---|------------|-------------------------------------|-------------------------------------|
| FUND AFFECTED   | FY 2004    | FY 2005                             | FY 2006                             |
| General Revenue   | \$0        | (Greater than<br>\$100,000)         | (Greater than<br>\$100,000)         |
|   |            |                                     |                                     |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue<br/>Fund</b> | <b>\$0</b> | <b>(Greater than<br/>\$100,000)</b> | <b>(Greater than<br/>\$100,000)</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>               |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED  | FY 2004    | FY 2005    | FY 2006    |
|  |            |            |            |
|  |            |            |            |
| <b>Total Estimated<br/>Net Effect on Other<br/>State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2004</b> | <b>FY 2005</b> | <b>FY 2006</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on <u>All</u> Federal Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

| <b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b> |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|
| <b>FUND AFFECTED</b>                       | <b>FY 2004</b>           | <b>FY 2005</b>           | <b>FY 2006</b>           |
| <b>Local Government</b>                    | (Greater than \$100,000) | (Greater than \$100,000) | (Greater than \$100,000) |

**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 Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Labor and Industrial Relations**, and the **Department of Social Services** stated that the proposal would have no direct fiscal effect on their agencies.

Officials from the **Department of Corrections (DOC)** have not yet responded to this proposal; however, they did respond to an identical proposal (SB 958) from the 2002 legislative session. They stated that the proposal would essentially create a law guaranteeing a person's free exercise of religion. Officials assume DOC would not be able to have any restrictions on incarcerated offenders unless there were a compelling governmental interest in the least restrictive means. DOC states the least restrictive means of providing free exercise of inmates' religious beliefs

ASSUMPTION (continued)

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 would be 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 2005.

| <u>FISCAL IMPACT - State Government</u>                 | FY 2004           | FY 2005                                    | FY 2006                                    |
|---|-------------------|--|--|
|   | (10 Mo.)          |  |  |
| <b>GENERAL REVENUE FUND</b>                             |                   |  |  |
| <u>Cost - Department of Corrections</u>                 |                   |  |  |
| Facilities for exercise of religion                     | \$0               | (Greater than<br>\$100,000)                | (Greater than<br>\$100,000)                |
| <b>ESTIMATED NET EFFECT ON<br/>GENERAL REVENUE FUND</b> | <b><u>\$0</u></b> | <b><u>(Greater than<br/>\$100,000)</u></b> | <b><u>(Greater than<br/>\$100,000)</u></b> |

| <u>FISCAL IMPACT - Local Government</u>                   | FY 2004<br>(10 Mo.) | FY 2005                                    | FY 2006                                    |
|---|---------------------|--|--|
| <b>POLITICAL SUBDIVISIONS</b>                             |                     |  |  |
| <u>Cost</u> - Additional Jail Facilities                  | \$0                 | (Greater than<br>\$100,000)                | (Greater than<br>\$100,000)                |
| <b>ESTIMATED NET EFFECT ON<br/>POLITICAL SUBDIVISIONS</b> | <b><u>\$0</u></b>   | <b><u>(Greater than<br/>\$100,000)</u></b> | <b><u>(Greater than<br/>\$100,000)</u></b> |

FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal would require that the compelling state interest test be imposed on all government laws and ordinances that might infringe upon the exercise of religion. Nothing in the proposal would 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. This proposal would not affect Total State Revenue.

SOURCES OF INFORMATION

State Courts Administrator  
Department of Elementary and Secondary Education  
Department of Health and Senior Services  
Department of Labor and Industrial Relations  
Department of Social Services

**NOT RESPONDING**

Department of Corrections



Mickey Wilson, CPA  
Director  
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