



**Colorado
Legislative
Council
Staff**

HB16-1180

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0059
Prime Sponsor(s): Rep. Humphrey
Sen. Neville T.

Date: February 24, 2016
Bill Status: House SVMA
Fiscal Analyst: Anna Gerstle (303-866-4375)

BILL TOPIC: FREE EXERCISE OF RELIGION

Fiscal Impact Summary	FY 2015-2016 <i>(current year)</i>	FY 2016-2017	FY 2017-2018
State Revenue			
State Expenditures	Minimal workload increase.		
Appropriation Required: None.			
Future Year Impacts: Ongoing minimal workload increase.			

Summary of Legislation

The bill prohibits any state action from directly or indirectly constraining the exercise of religion, except in cases involving a compelling government interest. State action includes state and local laws, ordinances, policies, rules, regulations, or other actions by a state or local government, political subdivision, or public official. State and local governments must use the least restrictive means of furthering a government interest.

Persons whose exercise of religion is burdened, or likely to be burdened, may assert this violation as a claim or defense in court. The bill authorizes various remedies, including damages, injunctions, costs, and attorney fees.

Background

The state of Colorado is periodically involved in litigation involving the assertion of a right to the free exercise of religion. The Attorney General's Office in the Department of Law represents state agencies in these cases.

State Expenditures

The bill increases the workload in the Judicial Department and Department of Law to handle additional cases under the bill.

Judicial Department. The bill increases the workload in the Judicial Department to accommodate an increase in trial court cases. The number of new cases under the bill cannot be determined; however, the fiscal note assumes that most government agencies will follow the law and that the caseload increase will be minimal. As a result, the bill does not currently require a change in appropriations. Should additional resources become necessary, the fiscal note assumes the Judicial Department will request an increase in appropriations through the annual budget process.

Department of Law. The bill increases the workload in the Department of Law to assist with any necessary review of current state policies and to represent the state in any litigation. The number of new cases as a result of the bill cannot be determined; however, the workload increase is expected to be minimal and does not require a change appropriations. Should additional resources become necessary, it will be addressed through the annual budget process.

Local Government, School District, and Statutory Public Entity Impact

The bill applies to local government, school district, and special district actions. Similar to state agencies, the legal workload for these entities will increase to the extent that they are involved in free exercise of religion claims. The bill is also expected to increase workload by a minimal amount in municipal courts.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature. The act applies to any governmental actions occurring on or after the effective date of the bill.

State and Local Government Contacts

All Departments