



**Colorado
Legislative
Council
Staff**

HB17-1013

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 17-0018

Date: June 26, 2017

Prime Sponsor(s): Rep. Humphrey; Williams D.
Sen. Marble; Neville T.

Bill Status: Postponed Indefinitely

Fiscal Analyst: Ryan Long (303-866-2066)

BILL TOPIC: FREE EXERCISE OF RELIGION

| Fiscal Impact Summary | FY 2016-2017 (Current year) | FY 2017-2018 | FY 2018-2019 |
|--------------------------------|--------------------------------|--------------|--------------|
| State Revenue | | | |
| State Expenditures | Potential increase. | | |
| Appropriation Required: | None. | | |
| Future Year Impacts: | Ongoing potential increase. | | |

NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

This bill prevents any state action that may burden a person's exercise of religion, unless it is demonstrated that applying the burden is:

- essential to furthering a compelling governmental interest; and
- the least restrictive means of furthering that 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. People 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

Overall, beginning in the current FY 2016-17, this bill increases workload and may increase costs, as described below.

Judicial Department. This bill increases the workload of the trial courts in the Judicial Department to handle additional cases under the bill. The number of new cases cannot be determined; however, this fiscal note assumes that the caseload increase will be minimal. As a result, this 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. This bill may increase 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 this bill cannot be determined; however, the workload increase is expected to be minimal and does not require a change in appropriations. Should additional resources become necessary, it will be addressed through the annual budget process.

All state departments. If the state is a party to a claim under this bill, each individual department would be responsible for paying out judgments. This fiscal note assumes that most government agencies will follow the law and that the caseload increase will be minimal.

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. If any of these entities are a party to a claim under this bill, they may be responsible for paying out judgments. The bill may also increase workload by a minimal amount in Denver County Court and municipal courts.

Effective Date

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on January 25, 2017.

State and Local Government Contacts

All State Departments