



Bill Number: S.B. 1062

Yarbrough Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

The Yarbrough Floor Amendment:

1. Alters the definition of *person* by removing estate, trust foundation or other legal entity and adding a *business organization*.
2. Excludes requirements relating to professional or occupational licenses, certificates or registration and appointments to government offices from the definition of *state action*.
3. Requires a person who asserts a violation of their religious exercise to demonstrate all of the following:
 - a. that the person's action or refusal to act is motivated by a religious belief;
 - b. that the religious belief is sincerely held; and
 - c. that the state action substantially burdens the exercise of religious belief.
4. Allows a person asserting a claim or defense that their religious exercise is burdened to receive injunctive and declaratory relief.

Amendment explanation prepared by Sharon Langford

2/19/2014

YARBROUGH FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1062
(Reference to printed bill)

1 Page 1, line 21, strike ", ESTATE, TRUST, FOUNDATION OR OTHER LEGAL ENTITY" insert
2 "OR OTHER BUSINESS ORGANIZATION"
3 Page 2, line 11, strike "OPPOSING PARTY" insert "GOVERNMENT OR NONGOVERNMENTAL
4 PERSON SEEKING THE ENFORCEMENT OF STATE ACTION"
5 Lines 20 and 21, strike "THE PERSON ASSERTING SUCH A CLAIM OR DEFENSE MAY OBTAIN
6 APPROPRIATE RELIEF." insert:
7 "E. A PERSON THAT ASSERTS A VIOLATION OF THIS SECTION MUST ESTABLISH
8 ALL OF THE FOLLOWING:
9 1. THAT THE PERSON'S ACTION OR REFUSAL TO ACT IS MOTIVATED BY A
10 RELIGIOUS BELIEF.
11 2. THAT THE PERSON'S RELIGIOUS BELIEF IS SINCERELY HELD.
12 3. THAT THE STATE ACTION SUBSTANTIALLY BURDENS THE EXERCISE OF THE
13 PERSON'S RELIGIOUS BELIEFS.
14 F. THE PERSON ASSERTING A CLAIM OR DEFENSE UNDER SUBSECTION D OF THIS
15 SECTION MAY OBTAIN INJUNCTIVE AND DECLARATORY RELIEF."
16 Reletter to conform
17 Line 27, after the second "ACTION" insert ", EXCEPT FOR THE REQUIREMENTS
18 PRESCRIBED BY SECTION 41-1493.04,"
19 Line 31, strike "OR ATTEMPTED TO BE MADE"
20 Amend title to conform

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