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HOUSE FLOOR AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by Representative Seabaugh to Engrossed House Bill No. 9 by Representative McCormick

1 AMENDMENT NO. 1

2 On page 1, line 2, change "R.S. 29:776," to "R.S. 29:738.1,"

3 AMENDMENT NO. 2

4 On page 1, delete lines 3 through 5 in their entirety and insert the following:

5 "declarations of emergencies; to provide for protections for the free exercise of
6 religion; to provide for legislative findings; to clarify certain provisions of
7 emergency powers; to provide for legislative interpretation; to provide relative to
8 criminal penalties; and to provide for related"

9 AMENDMENT NO. 3

10 On page 1, line 8, change "R.S. 29:776" to "R.S. 29:738.1"

11 AMENDMENT NO. 4

12 On page 1, delete lines 9 through 19 in their entirety and insert the following:

13 "§738.1. Emergency powers may not be extended to violate religious liberty
14 A.(1) The legislature finds and declares that the emergency powers in this
15 Chapter and the emergency powers in Chapter 9 of this Title were not intended to
16 violate the religious liberty guaranteed in Article I, Section 8 of the Constitution of
17 Louisiana and the First Amendment of the Constitution of the United States of
18 America.

19 (2) The legislature further finds and declares that in 1993, when the
20 emergency powers were first enacted pursuant to this Chapter, the legislature stated
21 with specificity in R.S. 29:736(D) that the emergency powers were never
22 contemplated as powers which would be interpreted to diminish the rights
23 guaranteed to all persons under the Declaration of Rights of the Louisiana
24 Constitution or the Bill of Rights of the United States Constitution. Those same
25 constitutional limitations were again reiterated by the legislature in R.S. 29:772 when
26 it enacted the public health emergency powers in 2003. Article I, Section 8 of the
27 Constitution of Louisiana is part of the Declaration of Rights and provides that no
28 law shall be enacted respecting an establishment of religion or prohibiting the free
29 exercise thereof.

30 (3) The legislature further finds that in addition to providing for the spiritual
31 needs of individuals, churches and other religious organizations:

32 (a) Provide food, clothing, and household items to the poor and those in need
33 due to hurricanes and other emergency disaster events.

34 (b) Conduct or facilitate addiction recovery meetings which decrease the
35 number of suicides and drug overdoses in the community.

36 B. Nothing in this Chapter or in Chapter 9 of this Title shall authorize any
37 government official, government agency, or other entity to utilize any emergency
38 power to impose a criminal penalty including confining a person to the parish jail or

1 other correctional facility, imposing a fine, or imposing any other monetary penalty
2 under any of the following circumstances:

3 (1) Attending or conducting a church service or similar religious assembly.

4 (2) Providing or distributing food, clothing, or household items at a church
5 or other religious facility to the poor or hungry or delivering those items to the
6 needy.

7 (3) Conducting or attending an addiction recovery meeting at a church or
8 other religious facility.

9 C. Notwithstanding any provision of law to the contrary, no natural or
10 juridical person shall be liable for any criminal penalty, fine, or other monetary
11 penalty and shall not be confined to the parish jail or other correctional facility for
12 conducting any activity as provided in Subsection B of this Section during a declared
13 state of emergency pursuant to this Chapter or Chapter 9 of this Title.

14 Section 2. The provisions of this Act are intended to clarify the provisions
15 of the emergency powers provided by the Louisiana Homeland Security and
16 Emergency Assistance and Disaster Act and the emergency powers provided by the
17 Louisiana Health Emergency Powers Act. The provisions of this Act are interpretive
18 as provided by Civil Code Article 6 and are therefore remedial in nature and shall
19 apply to all actions, charges, or claims pending on or filed after the effective date of
20 this Act."