

SENATE BILL NO. 307

BY SENATORS EDMONDS AND HODGES AND REPRESENTATIVES ADAMS, AMEDEE, BACALA, BAMBURG, BAYHAM, BEAULLIEU, BILLINGS, BOUDREAUX, BOYER, BUTLER, WILFORD CARTER, CHENEVERT, COATES, CREWS, DESHOTEL, DEWITT, EGAN, FARNUM, FIRMENT, FONTENOT, HORTON, ILLG, MIKE JOHNSON, MACK, MCCORMICK, MOORE, OWEN, SAWYER, SCHAMERHORN, THOMAS, VENTRELLA AND WYBLE

1 AN ACT

2 To amend and reenact R.S. 25:1281, 1282(A), (B), and (C), and 1283 and to enact R.S.
3 49:150.1(J) and (K), relative to educational documents and monuments; to provide
4 with respect to the educational public displays of certain documents and monuments
5 related to the religious history of the nation and the state's culture, tradition, and
6 codes of law; to provide with respect to certain historical documents and monuments;
7 to authorize the Ten Commandments monument on the Louisiana State Capitol
8 grounds; to provide that the commissioner of administration shall select a proposal
9 and arrange for installation; to provide for design, construction, and installation of
10 the monument without cost to the state; to provide for content and limitations; to
11 authorize delegation of the commissioner's responsibilities; to provide for legislative
12 intent; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 25:1281, 1282(A), (B), and (C), and 1283 are hereby amended and
15 reenacted to read as follows:

16 CHAPTER 32. DISPLAY OF RELIGIOUS DOCUMENTS

17 AS CULTURE, TRADITION, AND THE HISTORY OF LAW

18 §1281. Legislative finding

19 The Legislature of Louisiana finds that:

20 (1) There is a need to educate and inform the public as to the history and
21 ~~background~~ tradition of American law and Louisiana law.

22 (2) America and Louisiana's religious history plays an important role in the
23 background of our American law and Louisiana law.

24 (3) The role of religion in the constitutional history of both the United States

1 of America and Louisiana is acknowledged by historians **as part of our culture,**
2 **tradition, and history.**

3 (4) ~~The basic~~ **Basic** knowledge of American legal history is important to the
4 formation of civic virtue in our society **and, therefore, recognizing the historical**
5 **role of the Ten Commandments, the Mayflower Compact, the Declaration of**
6 **Independence, and the Northwest Ordinance of 1787 accords with the nation's**
7 **history and reflects the founders' understanding of the necessity of civic**
8 **morality to a functional self-government.**

9 (5) The courts have provided vital direction to the Legislature of Louisiana
10 on how to approach the display of historical documents.

11 **(6) In 2005, the Supreme Court of the United States recognized that it is**
12 **permissible to display the Ten Commandments on government property in *Van***
13 ***Orden v. Perry*, 545 U.S. 677, 688 (2005).**

14 **(7) In 2019, the Supreme Court of the United States further recognized**
15 **that the Ten Commandments "have historical significance as one of the**
16 **foundations of our legal system. . .", in *American Legion v. American Humanist***
17 ***Association*, 588 U.S. 29, 53 (2019) and, the court also ruled that the displaying**
18 **of the Ten Commandments on public property may have "multiple purposes"**
19 **such as "historical significance as one of the foundations of our legal system"**
20 **and represents a "common cultural heritage". *Id.* at 54.**

21 **(8) The Mayflower Compact of 1620 was America's first written**
22 **constitution and made a Covenant with Almighty God to "form a civil body**
23 **politic". This was the first purely American document of self-government and**
24 **affirmed the link between civil society and God.**

25 **(9) The Declaration of Independence, adopted by Congress on July 4,**
26 **1776, provides that "(we) hold these truths to be self-evident, that all men are**
27 **created equal, that they are endowed by their Creator with certain unalienable**
28 **Rights, that among these are Life, Liberty and the pursuit of Happiness".**

29 **(10) The Northwest Ordinance of 1787 provided a method of admitting**
30 **new states to the Union from the territory as the country expanded to the**

1 Pacific. The Ordinance "extended the fundamental principles of civil and
 2 religious liberty" to the territories and stated that "(r)eligion, morality, and
 3 knowledge, being necessary to good government and the happiness of mankind,
 4 schools and the means of education shall forever be encouraged".

5 ~~(6)~~**(11)** The Legislature of Louisiana now endorses the prolongation of a
 6 uniform, sound, distinct, and appropriate presentation of the story of the role of
 7 religion in the constitutional history of the United States of America and Louisiana,
 8 which may be publicly displayed in court houses, ~~and~~ other state and local buildings,
 9 at the Louisiana State Capitol, and throughout the state of Louisiana.

10 **(12)** The text of the Ten Commandments set forth in R.S. 25:1282(C) is
 11 identical to the text of the Ten Commandments monument that was upheld by
 12 the Supreme Court of the United States in *Van Orden v. Perry*, 545 U.S. 677, 688
 13 (2005).

14 **(13)** It is the legislature's intent to apply the decision set forth by the
 15 Supreme Court of the United States in *Van Orden v. Perry*, id. to continue the
 16 rich tradition and ensure that the public has an opportunity to understand and
 17 appreciate the foundational documents of our state and national government.

18 **(14)** The Supreme Court of the United States acknowledged that the Ten
 19 Commandments may be displayed on government property when a private
 20 donation is made for the purchase of the historical monument. *Pleasant Grove*
 21 *City v. Sumnum*, 555 U.S. 460 (2009).

22 **(15)** It is the intention of the Legislature of Louisiana that this Section
 23 shall not create an unfunded mandate on any public governing authority.
 24 Government agencies are encouraged to use documents that are printed, or
 25 displays that are produced, and made available to the agency at no cost.

26 §1282. Public displays of religious history impacting the law

27 A. Public displays with acknowledged religious history may include, but shall
 28 not be limited to, **any of** the items in this Section.

29 B. The Mayflower Compact, written and adopted in 1620, the text **of** which
 30 reads as follows:

1 Mayflower Compact (1620 A.D.)

2 Agreement Between the Settlers at New Plymouth: 1620

3 IN THE NAME OF GOD, AMEN. We, whose names are underwritten, the
 4 Loyal Subjects of our dread Sovereign Lord, King James, by the Grace of God, of
 5 Great Britain, France, and Ireland, King, Defender of the Faith. Having undertaken
 6 for the Glory of God, and Advancement of the Christian Faith, and the Honour of our
 7 King and Country, a voyage to plant the first colony in the northern Parts of Virginia;
 8 do by these presents, solemnly and mutually, in the Presence of God and one
 9 another, covenant and combine ourselves together into a civil Body Politick, for our
 10 better Ordering and Preservation, and Furtherance of the Ends aforesaid: And by
 11 Virtue hereof do enact, constitute, and frame, such just and equal Laws, Ordinances,
 12 Acts, Constitutions and Offices, from time to time, as shall be thought most meet and
 13 convenient for the General good of the Colony; unto which we promise all due
 14 submission and obedience. In Witness whereof we have hereunto subscribed our
 15 names at Cape Cod the eleventh of November, in the Reign of our Sovereign Lord
 16 King James, of England, France, and Ireland, the eighteenth, and of Scotland the
 17 fifty-fourth, Anno Domini; 1620.

18 C. The Ten Commandments, as extracted from the Bible. **The text shall read**
 19 **as follows:**

20 **"The Ten Commandments**

21 **I AM the LORD thy God.**

22 **Thou shalt have no other gods before me.**

23 **Thou shalt not make to thyself any graven images.**

24 **Thou shalt not take the Name of the Lord thy God in vain.**

25 **Remember the Sabbath day, to keep it holy.**

26 **Honor thy father and thy mother, that thy days may be long upon the land which**
 27 **the Lord thy God giveth thee.**

28 **Thou shalt not kill.**

29 **Thou shalt not commit adultery.**

30 **Thou shalt not steal.**

1 Thou shalt not bear false witness against thy neighbor.

2 Thou shalt not covet thy neighbor's house.

3 Thou shalt not covet thy neighbor's wife, nor his manservant, nor his maidservant,

4 nor his cattle, nor anything that is thy neighbor's."

5 * * *

6 §1283. Context of public display

7 Public displays set forth in R.S. 25:1282(B), (C), (D), and (E) shall be
 8 accompanied by a document entitled "Context for Acknowledging America's
 9 Religious History as Culture, Tradition, and the History of Law" which shall read
 10 as follows:

11 (1) Some documents stand out as pivotal in the religious history of America
 12 and Louisiana's legal system, among which are the Mayflower Compact, The
 13 Declaration of Independence as a legal foundation for the United States Constitution,
 14 the Ten Commandments as one of the foundations of our legal system, and the
 15 Northwest Ordinance, which was a primary document affirming faith and the first
 16 congressional act legally prohibiting slavery. It is hoped that their study and relation
 17 to each other and the history of our state and nation will foster an appreciation for
 18 the role that religion has played in the culture, tradition, and legal history of the
 19 law of America and the state of Louisiana and prompt further public study.

20 (2) American law, constitutionalism, and political theory have deep roots in
 21 religion. American ideals about liberty, freedom, equality, legal responsibility and
 22 codes of law, to mention a few, have roots and underpinnings in religion and biblical
 23 literacy. The Ten Commandments, which are found in the Book of Exodus in the Old
 24 Testament of the Bible, ~~was~~ were one of the earliest written expressions of law to be
 25 incorporated in American legal systems. The Ten Commandments, or the law of
 26 nature, also impacted the Declaration of Independence which refers to the "laws of
 27 nature and of Nature's God."

28 Section 2. R.S. 49:150.1(J) and (K) are hereby enacted to read as follows:

29 §150.1. State capitol complex; allocation of space; maintenance; law enforcement
 30 officer and firefighter memorial; Gold Star Families monument;

1 African-American military service members monument; **the Ten**
 2 **Commandments**

3 * * *

4 **J.(1) The commissioner of administration shall permit and arrange for**
 5 **the placement on the Louisiana State Capitol grounds of a suitable monument**
 6 **displaying the Ten Commandments. The commissioner shall designate the**
 7 **location of the monument, which shall be among other monuments, and shall**
 8 **oversee its installation. The design, construction, placement, and maintenance**
 9 **of the monument shall be free of charge to the state. The commissioner may**
 10 **delegate his responsibilities provided in this Subsection to the office of state**
 11 **buildings.**

12 **(2) The commissioner shall accept and consider proposals for the**
 13 **monument from private entities and shall select the proposal for the monument**
 14 **that will be installed. In selecting a proposal, the commissioner shall consider**
 15 **the appropriateness of the proposed design, the demonstrated ability of the**
 16 **responsible entity to pay the cost of design, construction, installation, and**
 17 **maintenance of the monument, and any other factor he deems appropriate. The**
 18 **commissioner shall make such selection by December 31, 2026; however, if he**
 19 **has not received an acceptable proposal by that date, he shall select the first**
 20 **acceptable proposal he receives after that date.**

21 **(3)(a) The overall dimensions of the monument shall not exceed six feet**
 22 **in height, four feet in width, and four feet in depth, including any base on which**
 23 **the monument sits.**

24 **(b) The monument shall use the same text provided in R.S. 25:1282,**
 25 **which is the same text that was used in *Van Orden v. Perry*, 545 U.S. 677 (2005),**
 26 **that was ruled constitutional by the Supreme Court of the United States.**

27 **(c) The monument shall include a plaque that includes the text of the**
 28 **"Context for Acknowledging America's Religious History as Culture, Tradition,**
 29 **and the History of Law" as set forth in R.S. 25:1283.**

30 **K.(1) An outdoor display or monument authorized pursuant to this**

1 Section shall be maintained in a manner that preserves the structural integrity,
2 legibility, and respectful appearance of the display or monument.

3 (2) The commissioner shall ensure that each outdoor display or
4 monument is maintained in accordance with this Subsection, including
5 providing for any necessary cleaning, repair, or restoration resulting from
6 weathering, vandalism, or other damage. Responsibility for such maintenance
7 shall be assigned to the private entity selected to provide the display or
8 monument or to another private entity selected by the commissioner.

9 (3) If the entity responsible for maintenance fails to maintain the display
10 or monument in accordance with this Subsection, the commissioner of
11 administration shall provide written notice of the deficiency and a reasonable
12 opportunity to cure the deficiency. If the deficiency is not timely cured and the
13 commissioner is unable to secure another private entity to assume responsibility
14 for maintenance, the commissioner may remove the display or monument.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____