



Bill Number: S.B. 1399

Kerr Floor Amendment

Reference to: printed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

- 1. Requires contractors that have a religious objection to services required by a contract to submit an alternative approach to meet the services required by the contract.**
- 2. Stipulates that, if a contract requires an evidence-based curriculum, the alternative approach must be evidence-based and listed on the appropriate clearinghouse.**
- 3. Permits a contractor to satisfy contractual obligations by collaborating with other contractors to provide the services objected to.**
- 4. Prohibits judicial or administrative actions for violations of the discrimination prohibition from being brought against a court.**
- 5. Specifies that refusing to hire, firing, demoting or adversely altering the terms of an employee's employment is only considered a discriminatory action if the person subject to the adverse action has provided notice to the employer of their religious objection.**
- 6. Defines *contractor* as a person that advertises, provides or facilitates adoption or foster care services and that contracts with the state to provide educational training for adopted or foster care children and parents.**
- 7. Makes technical changes.**

Amendment explanation prepared by Michael Madden

02/25/2022

KERR FLOOR AMENDMENT
SENATE AMENDMENTS TO S.B. 1399
(Reference to printed bill)

1 Page 1, line 10, after "GOVERNMENT" insert "OR ANY PRIVATE PERSON WHO SUES UNDER
2 OR ATTEMPTS TO ENFORCE A LAW, RULE OR REGULATION THAT IS ADOPTED BY THIS
3 STATE OR A POLITICAL SUBDIVISION OF THIS STATE"

4 Line 15, strike "A" insert "THE PERSON'S"

5 Between lines 15 and 16, insert:

6 "B. NOTWITHSTANDING SUBSECTION A OF THIS SECTION, IF A CONTRACTOR
7 HAS A RELIGIOUS OBJECTION TO PROVIDING SERVICES REQUIRED BY A CONTRACT, THE
8 CONTRACTOR SHALL SUBMIT WITH THEIR CONTRACT PROPOSAL AN ALTERNATIVE
9 APPROACH TO MEET THE SERVICES REQUIRED BY THE CONTRACT. IF THE CONTRACT
10 REQUIRES AN EVIDENCE-BASED CURRICULUM, THE ALTERNATIVE APPROACH MUST BE
11 EVIDENCE-BASED AND LISTED ON THE APPROPRIATE CLEARINGHOUSE. THE CONTRACTOR
12 MAY SATISFY THE CONTRACT OBLIGATIONS BY COLLABORATING WITH OTHER
13 CONTRACTORS TO PROVIDE SERVICES THAT THE CONTRACTOR OBJECTS TO PROVIDING
14 BASED ON A RELIGIOUS BELIEF OR EXERCISE OF RELIGION."

15 Reletter to conform

16 Line 16, after "GOVERNMENT" insert "OR ANY PRIVATE PERSON WHO SUES UNDER OR
17 ATTEMPTS TO ENFORCE A LAW, RULE OR REGULATION THAT IS ADOPTED BY THIS STATE
18 OR A POLITICAL SUBDIVISION OF THIS STATE"

19 Line 19, strike the third "A" insert "THE PERSON'S"

20 Line 21, strike "B" insert "C"

21 Line 26, after "COMMENCED" insert "AGAINST THE STATE GOVERNMENT EXCEPT A
22 COURT"

23 Line 32, after "GOVERNMENT" insert "EXCEPT A COURT"

24 Line 37, after "CLAIM" insert "AGAINST THE STATE GOVERNMENT EXCEPT A COURT";
25 after the first "OR" insert "AS A"

1 Page 2, between lines 17 and 18, insert:

2 "2. "CONTRACTOR" MEANS A PERSON THAT:

3 (a) ADVERTISES, PROVIDES OR FACILITATES ADOPTION OR ADOPTION
4 SERVICES.

5 (b) ADVERTISES, PROVIDES OR FACILITATES FOSTER CARE OR FOSTER CARE
6 SERVICES.

7 (c) CONTRACTS WITH THIS STATE TO PROVIDE EDUCATIONAL TRAINING FOR
8 ADOPTED OR FOSTER CARE CHILDREN AND PARENTS."

9 Renumber to conform

10 Page 2, line 19, after "FOLLOWING" insert "ON THE BASIS OF A PERSON'S RELIGIOUS
11 BELIEF OR EXERCISE OF RELIGION"

12 Line 43, after "GOVERNMENT" insert "IF THE PERSON THAT IS THE SUBJECT OF THE
13 ADVERSE EMPLOYMENT ACTION HAS FIRST GIVEN NOTICE TO THEIR EMPLOYER OF THEIR
14 RELIGIOUS OBJECTION."

15 Page 3, strike lines 31 through 33

16 Line 39, strike "_____" insert "twenty-five"

17 Amend title to conform

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C: LAT