Amend by striking all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. (1) This act shall be known and may be cited as the Mississippi Religious Freedom Restoration Act.

(2) The Mississippi Legislature finds the following:

(a) The free exercise of religion is an inherent, fundamental, and inalienable right secured by Article I, Section 3 of the United States Constitution.

(b) Laws "neutral" toward religion, as well as laws intended to interfere with the exercise of religion, may burden the exercise of religion.
(c) Government should not substantially burden the exercise of religion without compelling justification.

(d) In Employment Division v. Smith, 494 U.S. 872 (1990) the Supreme Court virtually eliminated the requirement under the First Amendment to the United States Constitution that government justify burdens on the exercise of religion imposed by laws neutral toward religion.

(e) In City of Boerne v. P. F. Flores, 65 LW 4612 (1997) the Supreme Court held that an act passed by Congress to address the matter of burdens placed on the exercise of religion infringed on the legislative powers reserved to the states under the Constitution of the United States.

(f) The compelling interest test, as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), is a workable test for striking sensible balances between religious liberty and competing governmental interests.

(3) The purposes of this act are as follows:

(a) To restore the compelling interest test as set forth in Wisconsin v. Yoder, 406 U.S. 205 (1972), and Sherbert v. Verner, 374 U.S. 398 (1963), and to guarantee that a test of compelling governmental interest will be imposed on all state and local laws, ordinances, policies, procedures, practices, and governmental actions in all cases in which the free exercise of religion is substantially burdened.
(b) To provide a claim or defense to persons whose exercise of religion is substantially burdened by government.

(4) As used in this act:

(a) "Substantially Burden" means any state action that directly or indirectly substantially constrains, inhibits, curtails or denies the exercise of religion by any person or substantially compels any action contrary to a person's exercise of religion. "Burden" includes, but is not limited to, withholding benefits, assessing criminal, civil or administrative penalties or exclusion from governmental programs or access to governmental facilities.

(b) "Compelling governmental interest" means a government interest of the highest magnitude that cannot otherwise be achieved without burdening the exercise of religion.

(c) "Exercise of religion" means the practice or observance of religion. "Exercise of religion" includes, but is not limited to, the ability to act or the refusal to act in a manner that is substantially motivated by one's sincerely held religious belief, whether or not the exercise is compulsory or central to a larger system of religious belief.

(d) "State action" means any law, and the implementation of that law by the government, including, but not limited to, state and local laws, ordinances, rules, regulations and policies, whether statutory or otherwise, or any other action by the state, a political subdivision of the state, an
instrumentality of the state or political subdivision of the state, or a public official that is authorized by law in the state.

(5) (a) State action shall not substantially burden a person's right to exercise of religion, even if such burden results from a rule of general applicability, unless it is demonstrated that applying such burden to that person's exercise of religion in that particular instance is both of the following:

(i) Essential to further a compelling governmental interest;

(ii) The least restrictive means of furthering that compelling governmental interest.

(b) A person whose exercise of religion has been substantially burdened or is likely to be substantially burdened in violation of this section may assert that violation or impending violation as a claim or defense in a judicial proceeding. The person asserting that claim or defense may obtain appropriate relief against the state or a political subdivision of the state. Appropriate relief includes, but is not limited to, injunctive relief, declaratory relief, compensatory damages, and the recovery of costs and reasonable attorney's fees.

(6) Nothing in this act shall create any rights by an employee against an employer if the employer is not a governmental agency.
SECTION 2. The official seal of the State of Mississippi shall have the inscription "The Great Seal of the State of Mississippi," around the sides and top of the margin, and the inscription "In God We Trust" flanked on each side by a five-point star around the bottom of the margin, and in the center an eagle with the stars and stripes in a shield adorning its chest and olive branch and quiver arrows in its claws.

SECTION 3. All state agencies shall continue to use stationery and other supplies having the great seal thereon as it existed before July 1, 2014, until such stationery and other supplies are depleted. The great seal as it existed before July 1, 2014, affixed on any public buildings or other property shall remain thereon until the replacement of the seal due to normal wear or until replacement with any nonpublic funds.

SECTION 4. This act shall take effect and be in force from and after July 1, 2014.

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

AN ACT TO ENACT THE MISSISSIPPI RELIGIOUS FREEDOM RESTORATION ACT; TO PROVIDE THAT STATE ACTION SHALL NOT SUBSTANTIALLY BURDEN A PERSON'S RIGHT TO THE EXERCISE OF RELIGION; TO PRESCRIBE THE CONTENTS OF THE GREAT SEAL OF THE STATE OF MISSISSIPPI; TO PROVIDE THAT STATE AGENCIES SHALL CONTINUE TO USE STATIONERY AND OTHER SUPPLIES HAVING THE GREAT SEAL AS IT EXISTED AS OF JULY 1, 2014, UNTIL SUPPLIES OF SUCH ITEMS ARE DEPLETED; AND FOR RELATED PURPOSES.