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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2160

03/11/2021

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The bill was read for the first time and referred to the Committee on Rules and Legislative Administration

- 1.1 A bill for an act
- 1.2 relating to state government; providing for religious protections during emergency
- 1.3 declarations; proposing coding for new law in Minnesota Statutes, chapter 12.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **[12.313] RELIGIOUS PROTECTIONS DURING EMERGENCY**
- 1.6 **DECLARATION.**
- 1.7 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have
- 1.8 the meanings given.
- 1.9 (b) "Discriminatory action" means an action taken by the governor to:
- 1.10 (1) alter the tax treatment of a religious organization; or cause any tax, penalty, or
- 1.11 payment to be assessed against a religious organization; or deny, delay, revoke, or otherwise
- 1.12 make unavailable an exemption from taxation for a religious organization;
- 1.13 (2) disallow, deny, or otherwise make unavailable a deduction for state tax purposes of
- 1.14 any charitable contribution made to or by a religious organization;
- 1.15 (3) impose, levy, or assess a monetary fine, fee, civil or criminal penalty, damages award,
- 1.16 or injunction on a religious organization; or
- 1.17 (4) withhold, reduce, exclude, terminate, materially alter the terms or conditions of, or
- 1.18 otherwise make unavailable or deny any:
- 1.19 (i) state grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship,
- 1.20 or other similar benefit from or to a religious organization;

2.1 (ii) entitlement or benefit under a state benefit program from or to a religious organization;
2.2 or

2.3 (iii) license, certification, accreditation, recognition, or other similar benefit, position,
2.4 or status from or to a religious organization.

2.5 (c) "Religious service" means a meeting, gathering, or assembly of two or more persons
2.6 organized by a religious organization for the purpose of worship, teaching, training, providing
2.7 educational services, or conducting religious rituals involving exercising the right to practice
2.8 religion.

2.9 Subd. 2. **Prohibitions on limiting religious organizations.** (a) The governor and local
2.10 and state government entities shall not prohibit or limit a religious organization from
2.11 continuing to operate or engage in religious services during a peacetime emergency under
2.12 chapter 12.

2.13 (b) This section does not prevent the governor from requiring religious organizations to
2.14 comply with neutral health, safety, or occupancy requirements issued under state or federal
2.15 law that are applicable to all organizations and businesses.

2.16 (c) The governor shall not enforce a health, safety, or occupancy requirement under
2.17 paragraph (b) that imposes a substantial burden on a religious organization unless the
2.18 governor demonstrates that applying the requirement to the religious organization is essential
2.19 to further a compelling governmental interest and is the least restrictive means of furthering
2.20 the compelling governmental interest.

2.21 (d) The governor shall not take discriminatory action under this chapter against a religious
2.22 organization wholly or partially on the basis that the religious organization:

2.23 (1) is religious;

2.24 (2) operates or seeks to operate during a peacetime emergency under this chapter; or

2.25 (3) exercises the right to practice religion protected by the United States Constitution
2.26 and the Minnesota Constitution.

2.27 Subd. 3. **Claim.** (a) A religious organization may assert a violation of this section as a
2.28 claim against the governor in a judicial or administrative proceeding or as a defense in a
2.29 judicial or administrative proceeding.

2.30 (b) An action under this section may be commenced and relief may be granted in a
2.31 judicial proceeding without regard to whether the religious organization commencing the
2.32 action has sought or exhausted all administrative remedies.

3.1 (c) A religious organization that successfully asserts a claim or defense under this section
3.2 may recover:

3.3 (1) declaratory relief;

3.4 (2) injunctive relief to prevent or remedy a violation or the effect of a violation of this
3.5 section;

3.6 (3) compensatory damages for pecuniary and nonpecuniary losses;

3.7 (4) reasonable attorney fees and costs; and

3.8 (5) any other appropriate relief.

3.9 (d) A religious organization shall bring an action to assert a claim under this section no
3.10 later than two years after the date the religious organization knew or should have known
3.11 that a discriminatory action or other violation of this section was taken against the religious
3.12 organization.

3.13 Subd. 4. **Government immunity waived.** Sovereign, governmental, and qualified
3.14 immunities to suit and from liability are waived and abolished to the extent allowed under
3.15 law.

3.16 Subd. 5. **Construction.** This section shall be construed in favor of a broad protection
3.17 of the free exercise of religion. The protection of the free exercise of religion afforded under
3.18 this section is in addition to the protections provided under federal law, state law, the United
3.19 States Constitution, and the Minnesota Constitution.

3.20 Subd. 6. **Interpretation; application of law.** (a) This section does not preempt or repeal
3.21 any state or local law that is equally or more protective of the free exercise of religion. This
3.22 section does not narrow the meaning or application of any state or local law protecting the
3.23 free exercise of religion.

3.24 (b) This section applies to and in cases of conflict supersedes any statute that infringes
3.25 upon the free exercise of religion protected by this section, unless a conflicting statute is
3.26 expressly made exempt from the application of this section.

3.27 (c) This section applies to and in cases of conflict supersedes any ordinance, rule,
3.28 regulation, order, opinion, decision, practice, or other exercise of the governor's authority
3.29 that infringes upon the free exercise of religion protected under this section.

3.30 Subd. 7. **Severability.** If any provision or application of this section is held to be
3.31 unconstitutional, the remainder of this section shall remain effective notwithstanding the
3.32 provision or provisions held to be unconstitutional.