

BILL ANALYSIS

S.B. 1978
By: Hughes
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the state should do more to ensure that freedom of religion and association are protected. S.B. 1978 seeks to prohibit a governmental entity from taking any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a qualifying religious organization and to provide for relief if that prohibition is violated.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1978 amends the Government Code to prohibit an applicable governmental entity from taking any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a qualifying religious organization. The bill defines "adverse action," "benefit program," "governmental entity," "person," and "religious organization" for purposes of its provisions. The bill's provisions do not apply with respect to certain prohibited investments in a company that boycotts Israel or prohibited contracts with such a company.

S.B. 1978 authorizes a person to assert an actual or threatened violation of that prohibition as a claim or defense in a judicial or administrative proceeding and obtain injunctive relief, declaratory relief, and court costs and reasonable attorney's fees. A person may commence an action and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies. The bill authorizes a person who alleges such a violation to sue the governmental entity for the provided relief. The bill waives and abolishes sovereign or governmental immunity, as applicable, to the extent of liability for that relief.

S.B. 1978 authorizes the attorney general to bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with the bill's provisions, but this authorization may not be construed to deny, impair, or otherwise affect any authority of the attorney general or a governmental entity acting under other law to institute or intervene in a proceeding. The bill prohibits the attorney general from recovering expenses incurred in bringing, instituting, or intervening in such an action and provides for the interpretation of its provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.