

## **BILL ANALYSIS**

Senate Research Center

S.B. 1978  
By: Hughes  
State Affairs  
6/12/2019  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

No one should lose their tax status, be disqualified from a government benefit, lose a professional license, or be deemed ineligible to compete for grants or government programs because of their belief on marriage.

S.B. 1978 prevents state and local governments from discriminating against individuals or entities based on the individual's belief about marriage. Ensuring all citizens the right to peacefully speak and live consistent with their belief regarding marriage, S.B. 1978 prohibits government authorities from denying them government grants, contracts, licenses, tax benefits, and access to other programs. (Original Author's/Sponsor's Statement of Intent)

S.B. 1978 amends current law relating to the protection of membership in, affiliation with, and support provided to religious organizations.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 10, Government Code, by adding Subtitle H, as follows:

#### SUBTITLE H. PROHIBITED ADVERSE ACTIONS BY GOVERNMENT

#### CHAPTER 2400. PROTECTION OF MEMBERSHIP IN AND SUPPORT TO RELIGIOUS ORGANIZATIONS

Sec. 2400.001. DEFINITIONS. Defines "adverse action," "benefit program," "governmental entity," "person," and "religious organization."

Sec. 2400.0015. APPLICABILITY. Provides that this chapter does not apply to an investment prohibited under Chapter 808 (Prohibition on Investment in Companies That Boycott Israel) or a contract prohibited under Chapter 2270 (Prohibition on Contracts With Companies Boycotting Israel), as added by Chapter 1 (H.B. 89), Acts of the 85th Legislature, Regular Session, 2017.

Sec. 2400.002. ADVERSE ACTION PROHIBITED. Prohibits a governmental entity, notwithstanding any other law, 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 religious organization.

Sec. 2400.003. RELIEF AVAILABLE. (a) Authorizes a person to assert an actual or threatened violation of Section 2400.002 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.

(b) Authorizes a person, notwithstanding any other law, to commence an action under this section and provides that relief may be granted regardless of whether the person has sought or exhausted available administrative remedies.

Sec. 2400.004. IMMUNITY WAIVED. Authorizes a person who alleges a violation of Section 2400.002 to sue the governmental entity for the relief provided under Section 2400.003. Provides that sovereign or governmental immunity, as applicable, is waived and abolished to the extent of liability for that relief.

Sec. 2400.005. INTERPRETATION. (a) Prohibits this chapter from being construed to preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs.

(b) Prohibits this chapter from being construed to prevent a governmental entity from providing, either directly or through a person who is not seeking protection under this chapter, any benefit or service authorized under state or federal law.

SECTION 2. Effective date: upon passage or September 1, 2019.