BILL ANALYSIS

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.

As proposed, S.B. 1978 amends current law relating to the protection of religious beliefs and moral convictions, including beliefs and convictions regarding marriage.

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 RELIGIOUS BELIEFS AND MORAL CONVICTIONS

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

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 a person's belief or action in accordance with the person's sincerely held religious belief or moral conviction, including beliefs or convictions regarding marriage.

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 compensatory damages, injunctive relief, declaratory relief, and any other appropriate relief, including 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. ATTORNEY GENERAL ACTION; INTERVENTION IN PROCEEDING. (a) Authorizes the Texas attorney general (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 this chapter.

(b) Prohibits this section from being 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.

(c) Authorizes the attorney general to recover reasonable expenses incurred in bringing, instituting, or intervening in an action under this section, including court costs, reasonable attorney's fees, reasonable investigative costs, witness fees, and deposition expenses.

Sec. 2400.006. 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 and moral convictions or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs and moral convictions.

(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.