

BILL ANALYSIS

C.S.H.B. 1859
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Certain provisions of state law require certain buildings, including public accommodations, to be accessible and functional for people with disabilities. Some provisions of Texas law reference the federal Americans with Disabilities Act (ADA) in defining a public accommodation. In the federal ADA, religious organizations and entities may be exempted from requirements for public accommodations. C.S.H.B. 1859 seeks to ensure that Texas statutes track with the ADA exemption.

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

C.S.H.B. 1859 amends the Government Code to specify that the exemption for religious organizations from the applicability of standards adopted under statutory provisions relating to the elimination of architectural barriers applies to a building or facility owned, operated, or controlled by a religious organization or entity controlled by a religious organization, including a place of worship, as referenced by the federal Americans with Disabilities Act of 1990, rather than to a place used primarily for religious rituals within a building or facility of a religious organization.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1859 differs from the original by making the exemption for religious organizations from the applicability of certain architectural barrier standards applicable to a building or facility owned, operated, or controlled by a religious organization or entity controlled by a religious organization, including a place of worship, as referenced by the federal Americans with Disabilities Act of 1990, whereas the original makes that exemption applicable to religious organizations or entities controlled by religious organizations, including such places of worship.