

By: Taylor of Galveston

S.B. No. 1799

A BILL TO BE ENTITLED

AN ACT

relating to the religious freedom of a conscientious objector to act or fail to act with respect to certain issues of marriage.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Marriage and Religious Rights Ensured Act.

SECTION 2. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 150A to read as follows:

CHAPTER 150A. RELIGIOUS RIGHTS OF CONSCIENCE

Sec. 150A.001. NO LIABILITY FOR ACTION BASED ON RELIGIOUS BELIEFS. Notwithstanding any other law to the contrary, a person is not subject to liability for declining to (1) buy, sell, offer, or provide a good or service; (2) enter a contract; (3) hire a person; or (4) take any other discretionary action because of that person's sincerely held religious belief about marriage as only the union of one man and one woman.

Sec. 150A.002. GOVERNMENT ACTION PROHIBITED. (a) Notwithstanding any other law to the contrary, a government agency shall not take an adverse action against a person on the basis of that person's sincerely held religious belief about marriage as only the union of one man and one woman.

(b) "Adverse action," as used in this chapter, means any action taken by a government agency to: (1) deny, revoke, reduce, or disallow a tax exemption or deduction, or otherwise adversely alter

1 the tax treatment of the person; (2) deny, revoke, reduce, or
2 disallow a benefit, right, or entitlement; (3) deny, revoke,
3 reduce, or disallow any grant, contract, cooperative agreement,
4 loan, license, certification, accreditation, employment, or other
5 similar position or status; (4) take some adverse employment
6 action, including termination, suspension, or demotion; or (5)
7 otherwise discriminate against the person.

8 (c) "Government agency," as used in this chapter, means:

9 (1) this State or a municipality or other political
10 subdivision of this State; or

11 (2) any agency of this State or of a municipality or
12 other political subdivision of this State, including a department,
13 bureau, board, commission, office, agency, council, court, or
14 public institution of higher education.

15 (d) "Person," as used in this chapter, means a natural
16 person, a for-profit entity, a sole proprietorship, a nonprofit
17 organization, a religious organization, or a church.

18 Sec. 150A.003. CAUSE OF ACTION. A person may assert a
19 violation of section 150A.002 as a claim or defense in an
20 administrative or judicial proceeding and obtain compensatory
21 damages, injunctive relief, declaratory relief, or any other
22 appropriate relief against the government agency.

23 Sec. 150A.004. REMEDY. A person who successfully asserts a
24 claim or defense under this chapter is entitled to:

25 (1) declaratory relief;

26 (2) injunctive relief to prevent the threatened or
27 continued adverse action against the conscientious objector;

1 (3) compensatory damages for pecuniary and
2 nonpecuniary losses;

3 (4) punitive damages; and

4 (5) reasonable attorney's fees, court costs, and other
5 reasonable expenses.

6 Sec. 150A.005. TWO-YEAR LIMITATIONS PERIOD. A
7 conscientious objector may bring an action to assert a claim for
8 damages under this chapter not later than the second anniversary of
9 the date the person knew of the adverse action under this chapter.

10 Sec. 150A.006. IMMUNITY WAIVED. (a) Sovereign, government,
11 and qualified immunities to suit and from liability are waived and
12 abolished to the extent of liability created by this chapter, and a
13 claimant may sue a government agency or official for damages
14 allowed by this chapter.

15 (b) Notwithstanding Subsection (a), this chapter does not
16 wave or abolish sovereign immunity to suit and from liability
17 under the Eleventh Amendment to the United States Constitution.

18 Sec. 150A.007. EFFECT ON RIGHTS. (a) This chapter may not
19 be construed to authorize a government agency to burden a person's
20 free exercise of religion.

21 (b) The protections of speech and religious freedom
22 afforded by this chapter are in addition to any protections
23 provided under federal law, the laws of this state, the United
24 States Constitution, and the Texas Constitution.

25 (c) This chapter may not be construed to supersede any law
26 of this state that is equally as protective of religious beliefs as,
27 or more protective of religious beliefs than, this chapter.

1 (d) This chapter may not be considered to narrow the meaning
2 or application of any other law protecting religious beliefs.

3 Sec. 150A.008. INTERPRETATION. This chapter shall be
4 liberally construed to effectuate its remedial and deterrent
5 purposes.

6 SECTION 3. The severability provisions of Section [311.032](#),
7 Government Code, apply to this Act.

8 SECTION 4. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section [39](#), Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2015.