

1 AN ACT

2 relating to the protection of membership in, affiliation with, and
3 support provided to religious organizations.

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

5 SECTION 1. Title 10, Government Code, is amended by adding
6 Subtitle H to read as follows:

7 SUBTITLE H. PROHIBITED ADVERSE ACTIONS BY GOVERNMENT

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

10 Sec. 2400.001. DEFINITIONS. In this chapter:

11 (1) "Adverse action" means any action taken by a
12 governmental entity to:

13 (A) withhold, reduce, exclude, terminate, or
14 otherwise deny any grant, contract, subcontract, cooperative
15 agreement, loan, scholarship, license, registration,
16 accreditation, employment, or other similar status from or to a
17 person;

18 (B) withhold, reduce, exclude, terminate, or
19 otherwise deny any benefit provided under a benefit program from or
20 to a person;

21 (C) alter in any way the tax treatment of, cause
22 any tax, penalty, or payment assessment against, or deny, delay, or
23 revoke a tax exemption of a person;

24 (D) disallow a tax deduction for any charitable

1 contribution made to or by a person;

2 (E) deny admission to, equal treatment in, or
3 eligibility for a degree from an educational program or institution
4 to a person; or

5 (F) withhold, reduce, exclude, terminate, or
6 otherwise deny access to a property, educational institution,
7 speech forum, or charitable fund-raising campaign from or to a
8 person.

9 (2) "Benefit program" means any program administered
10 or funded by a governmental entity or federal agency that provides
11 assistance in the form of payments, grants, loans, or loan
12 guarantees.

13 (3) "Governmental entity" means:

14 (A) this state;

15 (B) a board, commission, council, department, or
16 other agency in the executive branch of state government that is
17 created by the state constitution or a statute, including an
18 institution of higher education as defined by Section 61.003,
19 Education Code;

20 (C) the legislature or a legislative agency;

21 (D) a state judicial agency or the State Bar of
22 Texas;

23 (E) a political subdivision of this state,
24 including a county, municipality, or special district or authority;
25 or

26 (F) an officer, employee, or agent of an entity
27 described by Paragraphs (A)-(E).

1 (4) "Person" has the meaning assigned by Section
2 311.005, except the term does not include:

3 (A) an employee of a governmental entity acting
4 within the employee's scope of employment;

5 (B) a contractor of a governmental entity acting
6 within the scope of the contract; or

7 (C) an individual or a medical or residential
8 custodial health care facility while the individual or facility is
9 providing medically necessary services to prevent another
10 individual's death or imminent serious physical injury.

11 (5) "Religious organization" means an organization
12 that is a religious organization under Section 110.011(b), Civil
13 Practice and Remedies Code.

14 Sec. 2400.0015. APPLICABILITY. This chapter does not apply
15 to an investment prohibited under Chapter 808 or a contract
16 prohibited under Chapter 2270, as added by Chapter 1 (H.B. 89), Acts
17 of the 85th Legislature, Regular Session, 2017.

18 Sec. 2400.002. ADVERSE ACTION PROHIBITED. Notwithstanding
19 any other law, a governmental entity may not take any adverse action
20 against any person based wholly or partly on the person's
21 membership in, affiliation with, or contribution, donation, or
22 other support provided to a religious organization.

23 Sec. 2400.003. RELIEF AVAILABLE. (a) A person may assert
24 an actual or threatened violation of Section 2400.002 as a claim or
25 defense in a judicial or administrative proceeding and obtain:

26 (1) injunctive relief;

27 (2) declaratory relief; and

1 (3) court costs and reasonable attorney's fees.

2 (b) Notwithstanding any other law, a person may commence an
3 action under this section and relief may be granted regardless of
4 whether the person has sought or exhausted available administrative
5 remedies.

6 Sec. 2400.004. IMMUNITY WAIVED. A person who alleges a
7 violation of Section 2400.002 may sue the governmental entity for
8 the relief provided under Section 2400.003. Sovereign or
9 governmental immunity, as applicable, is waived and abolished to
10 the extent of liability for that relief.

11 Sec. 2400.005. INTERPRETATION. (a) This chapter may not
12 be construed to preempt a state or federal law that is equally or
13 more protective of the free exercise of religious beliefs or to
14 narrow the meaning or application of a state or federal law
15 protecting the free exercise of religious beliefs.

16 (b) This chapter may not be construed to prevent a
17 governmental entity from providing, either directly or through a
18 person who is not seeking protection under this chapter, any
19 benefit or service authorized under state or federal law.

20 SECTION 2. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1978 passed the Senate on May 16, 2019, by the following vote: Yeas 19, Nays 12; and that the Senate concurred in House amendment on May 23, 2019, by the following vote: Yeas 19, Nays 12.

Secretary of the Senate

I hereby certify that S.B. No. 1978 passed the House, with amendment, on May 21, 2019, by the following vote: Yeas 79, Nays 64, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor