



2017 Faith & Family Scorecard Bills Considered

The following is a brief summary of the bills from the 85th Texas Legislative Session and Special Session that were used to compile our 2017 Faith and Family Scorecard:

Privacy

SB6 -- The Texas Privacy Act by Sen. Lois Kolkhorst protects privacy, safety, and dignity in public schools and government buildings by ensuring men do not enter girls' showers, locker rooms, and bathrooms. The bill also allows businesses to make their own decisions in regards to use of facilities. The bill passed the Senate with bipartisan support, but Speaker Joe Straus and House leadership killed the bill by never referring it to committee.

SB 6 Floor Amendment 19 – by Sen. Jose Rodriguez allows “Sexual orientation, gender identity” ordinances currently in law to stay in place, even if SB 6 passed. The amendment failed.

HB 2899 – by Rep. Ron Simmons is the House version of the Privacy Act. The bill preempts local governments, including school boards, from creating protected classes not currently in state law, including “sexual orientation” and “gender identity.” The bill was never voted out of the House State Affairs Committee under the leadership of Rep. Byron Cook, nor did the Speaker allow for a vote on the privacy issue in the House.

Amendment 12 on HB 100 – by Reps. Tony Tinderholt (R-Arlington) and Briscoe Cain (R-Deer Park) defines "sex" as "the physical condition of being male or female" in a bill designed to override local ridesharing regulations (aka “The Uber Bill”). This provision survived intact through the Senate and added a definition of sex as a biological condition (not an "expression" or chosen gender) to state law. The amendment passed.

Religious Liberty

HB 3859 – The Freedom to Serve Children Act by Rep. James Frank and sponsored by Sen. Charles Perry. The bill defends the rights of conscience for child welfare services providers, particularly faith-based agencies that maintain sincerely held religious beliefs for decisions about adoption and foster care. One-third of adoption agencies are religious charities, which makes the bill essential for the continuation of Texas' foster care system. The bill received fervent support in both chambers, despite several amendment attempts to derail it, and was signed by the Governor.

Amendment 9 of HB 3859 -- Rep. Joe Moody would have added SOGI (sexual orientation and gender identity) "protections" to the adoption and foster care protection bill, which would have forced faith-based charities to place children in homes that defy their core values on human sexuality. The amendment failed.

SB 892 -- by Sen. Charles Perry is the Senate version of the Freedom to Serve Children's Act. This legislation keeps state agencies from discriminating against child welfare services providers on the basis of religious belief or practice, including refusal to facilitate abortions or abortion-inducing drugs. Testimony was taken in the Senate Health and Human Services Committee and was left pending. HB 3859, a similar version of the bill, passed both chambers and was signed by the Governor.

HB 1805 -- by Rep. Scott Sanford protects child welfare providers from being punished by the government because of their sincerely held religious beliefs. Rep. Sanford also introduced this legislation in 2015 as the HOME Act (Hope for Orphans and Minors Expansion Act). Rep. Sanford's HOME Act helped pave the way for the Freedom to Serve Children Act, HB 3859 by Rep. James Frank, which was signed this year by the Governor. HB 1805 was referred to, but never considered, in the House State Affairs Committee.

HB 421 -- This bill, authored by Rep. Matt Rinaldi, lifts restrictions for persons providing volunteer security services for a church building. The bill received a debate and a vote in the House Homeland Security and Public Safety committee early in session but died in the House Calendars Committee (A version of this bill was added by amendment to another bill and passed, and was signed by Gov. Abbott).

HB 522/SB 1609 -- The HOA religious display protection bill by Rep. Mike Schofield and Sen. Paul Bettencourt prevents home owners associations from banning outright displays of sincerely held religious faith, including Christmas lights and decorations. SB 1609 sailed through the Senate and later the House Business and Industry committee before dying in House Calendars. HB 522 received a hearing and a vote in the House Business and Industry committee before also dying in House Calendars.

HB 1813 -- County Clerk Protection Bill authored by Rep. Dan Flynn ensures that a Texas county clerk would not be forced to issue or certify a marriage license that violates their sincerely held religious beliefs. The bill creates a way for county clerks, judges, and magistrates to defer to a certifying official should they receive a request to issue or certify a marriage license that violates their sincerely held religious beliefs. The House State Affairs Committee passed the Senate version of the bill, SB 522, two weeks after the initial hearing. The bill died in the Calendars Committee.

HB 1923 -- the First Amendment Defense Act by Rep. Matt Krause was referred to the House State Affairs Committee where it was never scheduled for a hearing by Chairman Byron Cook, nor was a companion bill by Sen. Bryan Hughes (SB 893). The bill protects Texans from being punished by the government because of "sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman or that sexual relationships are properly reserved to such a marriage."

HB 2561 Amendment to Amendment 1 -- Rep. Matt Krause (R-Fort Worth) adds a religious freedom protection amendment to the Sunset renewal bill for the Texas State Board of Pharmacy. This reform allows pharmacists the right to decline to fill prescriptions of abortifacient drugs or other medication which violates their sincerely held religious beliefs. The conference committee, in order to reconcile differences between the House and Senate, changed the language to prevent violations of Chapter 110, Civil Practice and Remedies Code, which protects religious freedom. The amendment passed.

HB 2779 – by Rep. Matt Schaefer is the Free to Believe Act, a religious liberty omnibus bill that protects individuals, religious organizations, business owners, child welfare providers, healthcare providers, counselors, and state employees from being punished by the government for believing that marriage is between one man and one woman, the terms "male," "man," "female," and "woman" refer to an individual's immutable biological sex as objectively determined by anatomy and genetics at the time of birth. The bill was referred to the House State Affairs Committee, but never received a hearing.

HB 2795 – by Rep. Mike Lang protects the religious freedom of county clerks by allowing them to defer issuing and signing marriage licenses if the marriage violates the clerk's sincerely held religious beliefs. The county clerk may refer those duties to a deputy clerk or a clerk in the nearest county. The bill was referred to the House County Affairs Committee, but never received a hearing.

HB 2876 -- Wedding officiant protection bill, by Rep. Scott Sanford, protects wedding vendors from being forced to participate in weddings that violate their sincerely held religious beliefs. The bill was never scheduled for a hearing by Chairman Byron Cook in the House State Affairs Committee.

HB 2950 Amendment 7 -- This amendment to the Texas Board of Nursing Sunset protects the religious liberty and freedom of nurses. The amendment was replaced in conference committee with the language: "the board may not adopt a rule, regulation or policy that violates Chapter 110, Civil Practice and Remedies Code."

HB 3856 – by Rep. Matt Rinaldi ensures Texas counselors and therapists are not forced to counsel an individual or couple in a way that violates their sincerely held religious beliefs. The bill also ensures that counselors will not lose their license because of their sincerely held religious beliefs. The bill was referred to the House State Affairs Committee, but never received a hearing.

SB 24/HB 3956 -- The Sermon Protection Bill by Sen. Joan Huffman received wide support in both chambers and was not amended on the floor of either chamber. The bill prohibits a governmental body from requiring a religious leader to testify in any proceeding about a sermon he or she delivered. The bill disallows subpoenas of sermons, whether in written, audio, or video formats. SB 24 passed both chambers and was signed by the Governor.

SB 302 Amendment 6 -- Rep. Matt Krause's amendment to the State Bar of Texas Sunset renewal bill gives Texas Supreme Court a directive to ensure that no candidate for admission to

the bar is hindered or rejected because of his or her sincerely held religious belief. The conference committee, in order to reconcile differences between the House and Senate, changed the language to prevent violations of Chapter 110, Civil Practice and Remedies Code, which protects religious freedom. The amendment passed.

SB 303 Amendment 1 -- Rep. Matt Krause's amendment to the Board of Law Examiners Sunset bill gives the Texas Supreme Court a directive to ensure that no candidate for a license to practice law is hindered or rejected because of his or her sincerely held religious belief. The conference committee, in order to reconcile differences between the House and Senate, changed the language to prevent violations of Chapter 110, Civil Practice and Remedies Code, which protects religious freedom. The amendment passed.

SB 522 – by Sen. Birdwell ensures that a Texas county clerk would not be forced to issue or certify a marriage license that violates their sincerely held religious beliefs. The bill creates a way for county clerks, judges, and magistrates to defer to a certifying official should they receive a request to issue or certify a marriage license that violates their sincerely held religious beliefs. The Senate passed the bill. The House State Affairs Committee passed the bill two weeks after the House version of the bill HB 1813 was heard. The bill was never heard in the Calendars Committee.

SB 651 – by Sen. Perry protects religious freedom for every occupational license holder in Texas so that they will not lose their license for having sincerely held religious beliefs. The bill was referred but not heard in the Senate Business and Commerce Committee.

Pro-Life

HB 2962 -- The Abortion Reporting Requirements bill, by Rep. Giovanni Capriglione, requires physicians and health care facilities to file reports on health complications resulting from abortions. After several amendments and final votes in each chamber, the bill was returned to the Senate by House Speaker Joe Straus, claiming the Senate amendments were "not germane." The bill died without any further action during the last week of session.

SB 8 – by Sen. Charles Schwertner originally banned partial-birth abortions and required that aborted children be buried or cremated, rather than be disposed of as waste. Provisions were added that ban the horrific practice of partial-birth abortions. The bill passed both chambers and was signed by the Governor.

SB 8 Amendment 2 -- by Rep. Stephanie Klick, this amendment added a ban to abortion-by-dismemberment to the bill. The amendment passed.

Motion to table SB 8 Amendment 22 -- Rep. Matt Schaefer offered a pro-life amendment that banned abortion because of fetal abnormality past the 20th week of pregnancy. A motion by House State Affairs Committee Chairman Rep. Byron Cook to table the pro-life amendment prevailed and, thus, the pro-life amendment did not make it into the final draft of SB 8.

SB 20 – by Sen. Larry Taylor protects Texans from being forced to pay for abortion through Obamacare subsidies. The bill died in the House Calendar Committee.

SB 258 – by Sen. Don Huffines recognizes the humanity of aborted children and ensures that their remains are buried or cremated, rather than be inhumanely disposed of as waste. The bill passed the Senate, but died in the House State Affairs Committee.

SB 415/HB 844 -- The Dismemberment Abortion Ban bill by Sen. Charles Perry received robust debate on the Senate floor prior to bi-partisan passage, but was stalled in House State Affairs by Chairman Byron Cook. The House companion, HB 844 by Rep. Stephanie Klick, was referred to House State Affairs early in the session but was never given a hearing.

Other Pro-Family Bills

HB 39 Motion to Table Amendment 3 -- Rep. Bill Zedler offered this amendment to assure that HPV and other vaccines aren't forced on children as part of a required child health screening in this bill designed to streamline the case management system of the state's child welfare and foster care management systems. After attempts to water-down the amendment by Rep. Sarah Davis, Rep. Zedler moved to table Rep. Davis' amendment. Zedler's motion to table passed.

SB 3 - by Sen. Larry Taylor creates an education savings plan and a tax credit scholarship for children with disabilities. The bill passed the Senate and was referred to the House Public Education Committee a month after the House received it, but the committee never held a hearing on the bill.

SB 2095 - by Sen. Bob Hall gives authority to the University Interscholastic League to address student steroid use. Currently, if a student is taking medically approved steroids, UIL has very limited ability to address steroid use - even if it creates an unfair advantage. SB 2095 was passed by the Senate and heard in the Public Education Committee. The bill was heard and left pending in the House Public Education Committee, even though it did not have a House sponsor.

HB 93 -- The No-Fault Divorce Reform Bill by Rep. Matt Krause protects marriage by removing the unilateral no-fault divorce by one spouse option unless both spouses agreed to the divorce -- otherwise, unless a "fault" ground is alleged (adultery, cruelty, abandonment, others). The bill made it through a hearing and vote in the Juvenile Justice and Family Issues committee, but died in the House Calendars committee.

HB 65 – Divorce Reform Bill by Rep. Matt Krause states that when one spouse requests unilateral no-fault divorce, 180 days must pass before the divorce is granted. The bill gives couples more time to consider their decision and the impacts on their children and to adjust to a major change in life, home structure, and location. The bill passed the House Juvenile Justice and Family Issues Committee, but died in the House Calendars committee.

Budget Amendments on SB 1

House Amendment 8 of SB 1 – by Rep. Abel Herrero prohibits funding for vouchers, education accounts, or tax credit scholarships for families to use for private schools if their public school is failing. The anti-school choice amendment was adopted.

House Amendment 9 of SB 1 – by Rep. Gary VanDeaver amended House Amendment 8 of SB 1 clarifies the prohibition of funding to be used for any primary or secondary school choice programs involving private schools. The anti-school choice amendment was adopted.

House Amendment 75 of SB 1 – by Rep. Mike Schofield increases the revenue of the Alternatives to Abortion program by the amount of \$8,350,000 for the state fiscal year ending August 31, 2018, and by the amount of \$8,350,000 for the state fiscal year ending August 31, 2019. The amendment was adopted.

House Amendment 76 of SB 1 – by Rep. Matt Krause amends House Amendment 75 of SB 1 by Rep. Mike Schofield to increase the revenue to the Alternatives to Abortion program to \$10,000,000 for the state fiscal year ending August 31, 2018, and by the amount of \$10,000,000 for the state fiscal year ending August 31, 2019. The amendment to the amendment was adopted.

House Amendment 197 of SB 1 – by Rep. Drew Springer ensures that no state appropriation funds will be used for institutions that provide abortions. The amendment was adopted.

Committee Votes

HB 192 – by Rep. Diego Bernal creates protected classes for “Sexual orientation, gender identity, and gender expression” in the property code. The bill applies to churches and religious groups, like convents or monasteries, which provide housing for women or men only. The bill also allows men who claim to be women access to women’s facilities in homeless shelters and applies to private business owners. The bill was passed in the House Business and Industry Committee with a deciding vote by Rep. Jason Villalba and died in the House Calendars Committee.

HB 225 – by Rep. Eric Johnson creates protected classes for “Sexual orientation, gender identity, and gender expression” in the labor code. The bill forces private employers to provide same-sex benefits, as well as allow men claiming to be women into bathrooms, showers, and other intimate facilities in the workplace. The bill passed the House Business and Industry Committee with a deciding vote by Rep. Jason Villalba and died in the House Calendars Committee.

HB 1848 – by Rep. Joe Moody originally repealed information in education programs which state “homosexual conduct is not an acceptable lifestyle and is a criminal offense under Section 21.06, Penal Code.” The bill was later substituted in the House Business and Industry and repealed the language, “homosexual conduct is a criminal offense under Section 21.06, Penal Code.” The bill passed the House Criminal Jurisprudence Committee with a deciding vote by Rep. Todd Hunter and died in the House Calendars Committee.

HB 1373 – by Rep. Sarah Davis (R-Houston) eliminates parental rights for parents with a child who requests any drug-based birth control method approved by the government-run FDA, including sterilization, implants, and pills that come with serious health risks, such as blood clotting and death. The bill passed the House State Affairs Committee with the support of Chairman Byron Cook. The bill died in the House Calendars Committee.

Special Session – 85(1)

SB 3 – was the Senate Texas Privacy Act by Sen. Lois Kolkhorst during the Special Session. The bill protects, privacy, safety, and dignity of Texans by ensuring showers, locker rooms, and bathrooms in public schools and government entities are used based on the gender as indicated by their birth certificate, driver's license, or other certification. The bill stops local governments, including school boards, from enacting policies that would allow men into women's restrooms, or allow men to play on sport teams designated for women. The bill was passed with bipartisan support in the Senate, but Speaker Joe Straus and House leadership killed the bill by never referring it to committee.

HB 46 – by Rep. Ron Simmons was the House version of the Privacy Act. The bill preempts local governments, including school boards, from creating protected classes not currently in state law, including “sexual orientation” and “gender identity.” The bill never received a hearing in the State Affairs Committee chaired by Rep. Byron Cook, even though it had significant support, including from Gov. Abbott, in the special session. Speaker Straus was outspoken about his opposition toward the bill, and refused to let the House vote on the bill.

HB 13 - by Rep. Giovanni Capriglione requires abortionists to report complications and injuries that are a result of an abortion. The bill was passed by the House and Senate, and sponsored by Sen. Donna Campbell in the Senate. The bill has been signed by the Governor.

HB 14 – by Rep. Drew Springer and Sponsored by Sen. Charles Schwertner prohibits any government entity, including city governments, from giving money to or contracting with abortion providers or affiliates. The bill was passed by the House State Affairs Committee chaired by Rep. Byron Cook, but the committee took over two weeks to give the committee report to the House Calendars Committee where the bill died.

HB 214/SB 8 - by Rep. John Smithee and sponsored by Sen. Brandon Creighton opts-out of the state abortion coverage in Obamacare. HB 214 ensures Texans won't be forced to pay for hidden abortion coverage in the state exchanges, private insurance, and state employee insurance. The bill was passed by the House and Senate, and has been signed by the Governor.

HB 215 – by Rep. Jim Murphy and sponsored by Sen. Bryan Hughes requires abortionists to report how a minor received permission to obtain an abortion. The bill was passed by the House and Senate, and has been signed by the Governor.

SB 2 – by Sen. Larry Taylor is a school choice bill for students with disabilities. Rep. Ron Simmons carried the companion bill, HB 253. SB 2 was passed by the Senate and the House Public Education Committee, but died in the House Calendars Committee.

SB 4 – by Sen. Charles Schwertner was the companion to HB 14 by Rep. Drew Springer. The bill prohibits any government entity, including city governments, from giving money to or contracting with abortion providers or affiliates. The bill passed the Senate and was sent to the House, but was never referred to a committee. The House State Affairs Committee chaired by Rep. Byron Cook passed HB 14, but the committee took over two weeks to give the committee report to the House Calendars Committee where the bill died.

SB 8 – by Sen. Brandon Creighton was the Senate companion to HB 214 by Rep. John Smithee. The bill opts-out of the state abortion coverage in Obamacare and ensures Texans won't be forced to pay for hidden abortion coverage in the state exchanges, private insurance, and state employee insurance. SB 8 passed the Senate, and HB 214 was passed by the House and Senate, and signed by the Governor.