

SUBJECT: Establishing religious organizations as essential businesses

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 12 ayes — Paddie, Deshotel, Harless, Howard, Hunter, P. King, Lucio, Metcalf, Raymond, Shaheen, Slawson, Smithee

1 nay — Hernandez

WITNESSES: For — Jessie Prince, Grace Church Plano and Gerald Brooks Ministries; John Larkam, Impact Family Church; Jonathan Saenz, Texas Values; Jonathan Covey, Texas Values Action; Don Duncan, Tree of Life Church; Sylvia Coulson; Michael Openshaw; (*Registered, but did not testify*: Jason Niesing and Stephanie Niesing, Church Outside the Box; Chris Hill, Collin County; Michelle Davis, Convention of States; Charles Flowers, Faith Outreach Center International; Dr. Rodney Hargrove, Global Harvest Ministry; Pastor Jorge Tovar, Jordan River Church and Texas Values; James Lennon and Robin Lennon, Kingwood TEA Party, Inc.; Shelby Williams, Plano City Council; Tom Nobis, Republican Party of Texas; Landon Henry, San Angelo First Assembly of God; Ruth York, Tea Party Patriots of Eastland County and Texas Family Defense Committee; Mia McCord, Texas Conservative Coalition; Donald Garner, Texas Faith and Freedom Coalition; David Welch, Texas Pastor Council; Mary Castle and Gregory McCarthy, Texas Values Action; Jason Vaughn, Texas Young Republicans; Jennifer Allmon, The Texas Catholic Conference of Bishops; David Covey, Texas Republican County Chair Association; Robert Bellomy, LaMoyne Davis, and Eric Gonzalez, Tree of Life Church; Cody Jones, Tree of Life Church - New Braunfels, TX; Shelia Franklin and Fran Rhodes, True Texas Project; Mark Akers, Victorious Life Assembly of God; and 49 individuals)

Against — (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Lee Kleinman, City of Dallas; TJ Patterson, City of Fort Worth; Julie Gilberg; Bryan Register; Robyn Ross )

On — (*Registered, but did not testify*: Thomas Parkinson)

**BACKGROUND:** Concerns have been raised that during the COVID-19 pandemic disaster, many religious institutions were required to shut down while other businesses and organizations were able to remain open and operate.

**DIGEST:** HB 525 would establish that a religious organization was considered an essential business at all times, including during a declared state of disaster, and that the organization's activities were essential activities even if not listed as essential in an order issued during the disaster. A religious organization would be defined as an organization whose primary purpose and function are religious and that does not engage in activities that would disqualify it from tax exempt status under federal law.

A governmental entity could not prohibit a religious organization from engaging in religious and other related activities or continuing to operate in the discharge of the organization's faith-based mission and purpose. A governmental entity also could not order a religious organization to close or otherwise alter its purposes or activities during a declared state of disaster.

A person could assert an actual or threatened violation of the bill's provisions as a defense in a judicial or administrative proceeding and obtain injunctive and declaratory relief, court costs, and reasonable attorney's fees, regardless of whether the person had sought available administrative remedies. Such a person could sue a governmental entity for relief under the bill, and governmental immunity would be waived and abolished to the extent of liability for that relief. The bill defines person to exclude a government employee or contractor acting within the scope of the employment or contract.

The attorney general could bring an action for relief against a governmental entity or an entity's officer or employee to enforce compliance with the bill's provisions, but could not recover expenses incurred in such an action.

The bill would apply only to a cause of action that accrued on or after the

bill's effective date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2021.