

Texas lawmaker reconsiders religious liberty amendment

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AUSTIN—A state representative is reconsidering his proposed constitutional amendment on religious liberty after business leaders opposed it, citing concerns about workplace discrimination.

[Rep. Jason Villalba](#), R-Dallas, introduced [House Joint Resolution 55](#), which potentially would expand the scope of the state Religious Freedom Restoration Act and move it from statute to the Texas Constitution.



Kathryn Freeman, director of public policy for the Texas Baptist Christian Life Commission, says the CLC supports moving the current RFRA statute into the state’s constitution—but only if the constitutional amendment retains the original RFRA language.HJR 55 stated: “The state or a county, municipality or any other political subdivision of the state, including a department, agency or instrumentality of the state or of a political subdivision of the state, may not burden in any way a person’s free exercise of religion unless the burden is: (1) necessary

to further a compelling governmental interest; and (2) the least restrictive means of furthering that interest.” It also included language that specifically singles out homeowners’ associations.

Villalba announced March 9 he plans to work with the Texas Association of Business to make sure any proposed amendment does not impede business or result in discrimination based on race, ethnicity, religion or sexual orientation.

“While well-intentioned and narrowly crafted, it is the opinion of respected business leaders throughout the state that HJR 55 may result in harming Texas businesses,” Villalba said. “I cannot and will not support legislation, however well-intentioned, that would result in harming the job creators who are so very valuable to the Texas economy.”

Bill Hammond, chief executive officer of the [Texas Association of Business](#), applauded Villalba’s decision to reconsider his proposed constitutional amendment and said his organization looks forward to working with him “to ensure that Texas businesses and jobs are protected.”

Previous criticism of the bill

Others outside the business community—from religious groups, to civil liberty organizations, to gay-rights advocates—had criticized HJR 55 as a “license to discriminate.” Some, such as the [American Civil Liberties Union of Texas](#) and [Texas Freedom Network](#), lauded Villalba’s decision to reconsider.

“We congratulate Rep. Villalba in reconsidering his proposed state constitutional amendment, HJR 55, which would allow anyone, including business owners and public officials, to use their personal religious beliefs as an excuse to discriminate,” said Terri Burke, executive director of the ACLU of Texas.

“No Texan should be turned away from a business or government office because of who they are or what they believe or don’t believe. We call upon all our legislators at the State Capitol to stand on the side of religious liberty, which is the birthright of every Texan, and beat back any attempts to use religion as a weapon to discriminate.”

Villalba applauded

Texas Freedom Network President Kathy Miller also applauded Villalba for his decision to reconsider, saying: “Like Rep. Villalba, we think religious freedom is one of our most fundamental rights as Americans. But Texas already protects that freedom without allowing businesses, public officials and other individuals the right to use religion to ignore laws and discriminate against others. We hope other lawmakers will pull down similar legislation that would give Texas a reputation for being intolerant and unwelcoming and create a hostile environment here for business and commerce.”

Like its companion bill in the Texas Senate—[Senate Joint Resolution 10](#), introduced by Sen. Donna Campbell, R-New Braunfels—HJR 55 incorporated some language from both the state and national versions of RFRA.

However, state and national RFRAs say in part, “Government shall not substantially burden a person’s exercise of religion.” The Senate resolution lowers the threshold from “substantially burden” to “burden,” and the House resolution would have moved it down another notch to “burden in any way.”

Christian Life Commission position

That distinction could mean the difference between a significant infringement on religious liberty and an inconvenience that invites lawsuits, said Kathryn Freeman, director of public policy for Texas Baptists’

[Christian Life Commission.](#)

The CLC helped develop the state version of RFRA, she noted, and the commission supports moving the current RFRA statute into the state's constitution—but only if the constitutional amendment retains the original RFRA language.

“The Christian Life Commission continues to affirm moving the language currently found in the Texas Religious Freedom Restoration Act into the Texas Constitution,” she said.

Commissioners of [Mission Presbytery](#)—affiliated with the Presbyterian Church (U.S.A.)—passed a resolution at their March 6-7 meeting in Corpus Christi applauding the original Texas RFRA language and expressing concern about changes to it.

The Texas Legislature passed RFRA in 1999 “after strong deliberation, significant input and broad consensus from Texas’ diverse faith community,” the resolution stated. Proposed changes “lack the same broad-based consensus (and) risk discrimination against religious minorities imposed by religious majorities,” it continued.