

By: Cain

H.B. No. 4097

A BILL TO BE ENTITLED

AN ACT

relating to prohibition of certain regulations by a county, municipality, or other political subdivision.

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

SECTION 1. SHORT TITLE. This Act may be cited as the Intrastate Commerce Improvement Act.

SECTION 2. PURPOSE. The purpose of this Act is to improve intrastate commerce by ensuring that businesses, organizations, and employers doing business in this state are subject to uniform nondiscrimination laws and obligations, irrespective of the county, municipality, or other political subdivision in which the business, organization, or employer is located or engages in business or a commercial activity. Uniform laws will benefit the businesses, organizations, and employers seeking to do business in this state and will attract new businesses, organizations, and employers to this state.

SECTION 3. PROHIBITED REGULATIONS. Chapter 250, Local Government Code, is amended by adding Section 250.008 to read as follows:

Sec. 250.008. PROHIBITED REGULATIONS BY POLITICAL SUBDIVISIONS. (a) In this section, "local law" means a law, ordinance, order, resolution, rule, policy, or similar measure adopted by a county, municipality, or other political subdivision.

(b) A county, municipality, or other political subdivision

1 may not adopt or enforce a local law that creates a protected  
2 classification or prohibits discrimination on a basis not contained  
3 in the laws of this state.

4 (c) A local law that is adopted by a political subdivision  
5 before the date this section becomes law and that violates  
6 Subsection (b) is null and void.

7 SECTION 4. CONFORMING AMENDMENT. The heading to Chapter  
8 250, Local Government Code, is amended to read as follows:

9 CHAPTER 250. MISCELLANEOUS REGULATORY AUTHORITY OF  
10 MUNICIPALITIES, ~~[AND]~~ COUNTIES, AND OTHER LOCAL GOVERNMENTS

11 SECTION 5. SEVERABILITY. (a) It is the intent of the  
12 legislature that every provision, section, subsection, sentence,  
13 clause, phrase, and word in this Act, and every application of the  
14 provisions in this Act to each local law, are severable from each  
15 other. All constitutionally valid and lawful applications of this  
16 Act shall be severed from an application that a court finds to be  
17 invalid, leaving the valid applications in force because it is the  
18 legislature's intent and priority that the valid applications be  
19 allowed to stand alone.

20 (b) A court may not decline to enforce the severability  
21 requirements in this Act on the ground that the enforcement of the  
22 severability requirements would be contrary to legislative intent.  
23 The legislature hereby declares that it intends for the  
24 severability requirements of this Act to be enforced as written,  
25 without any exceptions.

26 (c) A court may not decline to enforce the severability  
27 requirements of this Act on the ground that the Act's provisions or

1 applications are essentially and inseparably connected. The  
2 legislature hereby declares that it intends for the severability  
3 requirements of this Act to be enforced without regard to whether  
4 this Act's provisions or applications are essentially and  
5 inseparably connected.

6 (d) Section 311.032(a), Government Code, applies to this  
7 Act.

8 SECTION 6. EFFECTIVE DATE. This Act takes effect  
9 immediately if it receives a vote of two-thirds of all the members  
10 elected to each house, as provided by Section 39, Article III, Texas  
11 Constitution. If this Act does not receive the vote necessary for  
12 immediate effect, this Act takes effect September 1, 2017.