

By: Kolkhorst

S.B. No. 3

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain facilities and activities of political subdivisions, including public school districts, and open-enrollment charter schools.

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

SECTION 1. The heading to Chapter 250, Local Government Code, is amended to read as follows:

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

SECTION 2. Chapter 250, Local Government Code, is amended by adding Section 250.009 to read as follows:

Sec. 250.009. REGULATION OF CERTAIN FACILITIES AND ACTIVITIES. (a) Each multiple-occupancy restroom, shower, and changing facility of a political subdivision, including a public school district, or an open-enrollment charter school must be designated for and used only by persons of the same sex as stated on a person's birth certificate.

(b) Except in accordance with federal law as enacted by Congress and interpreted in controlling federal case law and state law as enacted by the legislature and interpreted in controlling case law of this state, a political subdivision, including a public school district, or an open-enrollment charter school may not adopt or enforce an order, ordinance, policy, or other measure to protect a class of persons from discrimination to the extent that the order,

1 ordinance, policy, or other measure regulates:

2 (1) access to multiple-occupancy restrooms, showers,  
3 or changing facilities; or

4 (2) participation in athletic activities.

5 (c) This section may be enforced only through an action  
6 instituted by the attorney general for mandamus or injunctive  
7 relief. The attorney general may recover costs and attorney's fees  
8 related to enforcing this section.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect on the 91st day after the last day of the  
14 legislative session.