

1-1 By: Middleton, et al. (Senate Sponsor - Creighton) H.B. No. 3046
 1-2 (In the Senate - Received from the House May 5, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on State
 1-4 Affairs; May 19, 2021, reported favorably by the following vote:
 1-5 Yeas 6, Nays 2; May 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14		X		
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the identification of and prohibited cooperation by
 1-20 state and local entities with certain federal acts that violate the
 1-21 United States Constitution.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Title 7, Government Code, is amended by adding
 1-24 Chapter 793 to read as follows:

1-25 CHAPTER 793. IDENTIFICATION OF AND PROHIBITED COOPERATION WITH
 1-26 CERTAIN UNCONSTITUTIONAL ACTS OF FEDERAL GOVERNMENT

1-27 Sec. 793.001. DEFINITIONS. In this chapter:

1-28 (1) "Political subdivision" has the meaning assigned
 1-29 by Section 791.003.

1-30 (2) "State agency" has the meaning assigned by Section
 1-31 751.001.

1-32 Sec. 793.002. REVIEW OF EXECUTIVE ORDERS. (a) On the last
 1-33 day of each month, the attorney general shall provide a written
 1-34 report to the governor, lieutenant governor, speaker of the house
 1-35 of representatives, and each member of the legislature that:

1-36 (1) identifies each rule adopted by a federal
 1-37 government agency during the previous month that:

1-38 (A) relates to:

1-39 (i) pandemics or other health emergencies;

1-40 (ii) the regulation of natural resources,
 1-41 including coal and oil;

1-42 (iii) the regulation of the agriculture
 1-43 industry;

1-44 (iv) the use of land;

1-45 (v) the regulation of the financial sector
 1-46 as it relates to environmental, social, or governance standards;

1-47 (vi) the regulation of the constitutional
 1-48 right to keep and bear arms; or

1-49 (vii) the free exercise of religion,
 1-50 including the congregating of religious practitioners;

1-51 (B) was adopted in response to an executive order
 1-52 by the president of the United States; and

1-53 (C) violates the rights guaranteed to the
 1-54 citizens of the United States by the United States Constitution;
 1-55 and

1-56 (2) provides the status of any lawsuit filed against
 1-57 the federal government relating to a rule identified by any report
 1-58 prepared under this section, including whether a court has found
 1-59 the rule to violate the rights guaranteed to the citizens of the
 1-60 United States by the United States Constitution.

1-61 (b) The attorney general shall publish any report prepared

2-1 under this section on the attorney general's website and in the
2-2 Texas Register.

2-3 Sec. 793.003. COOPERATION WITH UNCONSTITUTIONAL ACTS.

2-4 Notwithstanding any other law, a state agency or political

2-5 subdivision may not cooperate with a federal government agency in

2-6 implementing an agency rule that a report published under Section

2-7 793.002 indicates has been found by a federal court in a decision

2-8 that has not been stayed, reversed, or overruled to violate the

2-9 rights guaranteed to the citizens of the United States by the United

2-10 States Constitution.

2-11 Sec. 793.004. INJUNCTIVE RELIEF. The attorney general may

2-12 bring an action in a district court in Travis County or in a county

2-13 in which the political subdivision is located to enjoin a violation

2-14 of Section 793.003.

2-15 SECTION 2. This Act takes effect immediately if it receives

2-16 a vote of two-thirds of all the members elected to each house, as

2-17 provided by Section 39, Article III, Texas Constitution. If this

2-18 Act does not receive the vote necessary for immediate effect, this

2-19 Act takes effect September 1, 2021.

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