

BILL ANALYSIS

H.B. 4440
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is an ongoing debate as to whether certain international agreements have any authority to control state government or change existing state laws. Many have also questioned whether the federal government has authority to direct the Texas Legislature or a state court to change or harmonize its existing state laws or judicial decisions to reflect a ruling by the World Court.

H.B. 4440 requires the attorney general to conduct a study to determine whether the law of Texas or the legislative authority of the Texas Legislature is or may be restricted, nullified, superseded, preempted, or otherwise directly affected by certain international and other agreements and bodies.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4440 requires the attorney general to conduct a study to determine whether the law of Texas or the legislative authority of the Texas Legislature is or may be restricted, nullified, superseded, preempted, or otherwise directly affected by any existing or proposed compact, agreement, or other arrangement between the United States, this state, or a political subdivision of this state and a foreign governmental entity, including a foreign state or local governmental entity; any international organization, including a nonprofit corporation, consisting of public or private entities from the United States and any other nation or nations, acting in coordination with a federal, state, or local government, or with a stated purpose of influencing governmental action or public policy; and any foreign or international body acting in connection with or under the authority of a compact, agreement, or other arrangement described by the bill through any means including legislative or administrative action, judicial or quasijudicial decision, order, rule, regulation, or other action.

H.B. 4440 requires the attorney general to investigate and report whether any of the entities have attempted, formally or informally, to restrict, nullify, supersede, preempt, or otherwise directly affect the law or policy of Texas or the authority of any state or local governmental body in Texas. The bill specifies certain entities and agreements the attorney general must consider in conducting the study.

H.B. 4440 authorizes the attorney general to enter into an agreement or other arrangement with a law school at a public institution of higher education in this state under which the attorney general may make use of the resources and personnel of the law school in conducting the study. The bill requires the attorney general, not later than December 1, 2010, to prepare a report of the findings of the study and provide a copy of the report to each member of the legislature.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.