

By: Kolkhorst

H.B. No. 4440

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a study by the attorney general of the effects on state
3 law and authority of certain international and other agreements and
4 bodies.

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

6 SECTION 1. (a) The attorney general shall conduct a study
7 to determine whether the law of this state or the legislative
8 authority of the Texas Legislature is or may be restricted,
9 nullified, superseded, preempted, or otherwise directly affected
10 by:

11 (1) any existing or proposed compact, agreement, or
12 other arrangement between the United States, this state, or a
13 political subdivision of this state and a foreign governmental
14 entity, including a foreign state or local governmental entity;

15 (2) any international organization, including a
16 nonprofit corporation, consisting of public or private entities
17 from the United States and any other nation or nations, acting in
18 coordination with a federal, state, or local government, or with a
19 stated purpose of influencing governmental action or public policy;
20 and

21 (3) any foreign or international body acting in
22 connection with or under the authority of a compact, agreement, or
23 other arrangement described by Subdivision (1) of this subsection,
24 through any means including legislative or administrative action,

1 judicial or quasijudicial decision, order, rule, regulation, or
2 other action.

3 (b) In conducting the study, the attorney general shall
4 investigate and report whether any entity described by Subsection
5 (a)(2) or (3) of this section has attempted, formally or
6 informally, to restrict, nullify, supersede, preempt, or otherwise
7 directly affect the law or policy of this state or the authority of
8 any state or local governmental body in this state.

9 (c) In conducting the study, the attorney general shall
10 include consideration of the following:

11 (1) The North American Free Trade Agreement (NAFTA)
12 and any entity created under or in connection with the agreement;

13 (2) the Security and Prosperity Partnership of North
14 America (SPP) and any entity created under or in connection with the
15 agreement, including the North American Competitiveness Council
16 (NACC);

17 (3) the World Trade Organization (WTO) and any
18 associated agreements;

19 (4) the General Agreement on Trade in Services (GATS)
20 and any entity created under or in connection with the agreement;

21 (5) the United Nations and any associated entities and
22 agreements; and

23 (6) North America's SuperCorridor Coalition, Inc.
24 (NASCO).

25 (d) The attorney general may enter into an agreement or
26 other arrangement with a law school at a public institution of
27 higher education in this state under which the attorney general may

1 make use of the resources and personnel of the law school in
2 conducting the study.

3 (e) Not later than December 1, 2010, the attorney general
4 shall prepare a report of the findings of the study and provide a
5 copy of the report to each member of the legislature.

6 SECTION 2. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.