

By: Simpson

H.B. No. 1751

A BILL TO BE ENTITLED

AN ACT

relating to the execution or enforcement of federal laws that violate the Bill of Rights of the Texas Constitution.

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

SECTION 1. Subtitle Z, Title 3, Government Code, is amended by adding Chapter 393 to read as follows:

CHAPTER 393. FEDERAL LAWS THAT VIOLATE BILL OF RIGHTS OF TEXAS
CONSTITUTION

Sec. 393.001. POLICY. It is the policy of this state to refuse to provide material support for, or to participate in the execution or enforcement of, any federal law that the legislature finds to violate the Bill of Rights of the Texas Constitution.

Sec. 393.002. DEFINITIONS. In this chapter:

(1) "Federal law" means any federal order, law, policy, rule, mandate, or agency regulation.

(2) "Provision, penalty, or sanction" includes a provision of federal law that provides a civil or criminal fine or penalty, an administrative penalty, a tax, a surcharge, or a fee, or for the suspension or revocation of a license, the suspension or revocation of the authority to engage in business in this state, the withholding or garnishment of a salary or wage, or any other action or consequence under the law.

Sec. 393.003. LEGISLATIVE FINDING OF VIOLATION; INTERPOSITION. (a) The legislature, by a two-thirds vote of all

1 the members elected to each house, may find that a federal law
2 violates Article I, Texas Constitution.

3 (b) The legislature may include in a finding under
4 Subsection (a) the manner in which the legislature may interpose
5 itself between the federal government and persons in this state to
6 oppose the federal government in the execution and enforcement of
7 the federal law.

8 Sec. 393.004. EXECUTION OR ENFORCEMENT OF FEDERAL LAW. A
9 state agency or political subdivision, or an officer or employee of
10 a state agency or political subdivision, may not execute or enforce
11 a provision, penalty, or sanction provided by a federal law that the
12 legislature has found under Section 393.003(a) to violate Article
13 I, Texas Constitution.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2015.