

By: Swanson

H.B. No. 2808

A BILL TO BE ENTITLED

AN ACT

relating to preventing the commandeering of state resources by the federal government.

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

SECTION 1. Chapter 2113, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. RESTRICTIONS ON EXPENDITURES FOR ENFORCEMENT OF  
FEDERAL ACTIONS

Sec. 2113.351. DEFINITION. In this subchapter, "federal action" includes:

(1) a federal law;

(2) a federal agency rule, policy, or standard;

(3) an executive order of the president of the United States; and

(4) an order of a federal court.

Sec. 2113.352. RESTRICTION ON EXPENDITURES. (a) In order to prevent the commandeering of state resources by the federal government, a state agency may not use appropriated money to enforce a federal action unless that use is explicitly authorized by the legislature in:

(1) the General Appropriations Act; or

(2) other state law.

(b) A state agency may ask the attorney general for advice in complying with this section. The attorney general shall provide

1 the requested advice.

2 SECTION 2. Section 2113.352, Government Code, as added by  
3 this Act, applies only to the use of appropriated money by a state  
4 agency on or after September 1, 2017.

5 SECTION 3. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2017.