

By: Hall

S.B. No. 89

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 majority vote of all the

1 members elected to each house, may find that a federal law violates
2 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 Sec. 393.005. PETITION TO CONSIDER FEDERAL LAW. (a) The
15 legislature may make a preliminary determination that a federal law
16 violates Article I, Texas Constitution, by written petition signed
17 by a majority of all members elected to the senate and a majority of
18 all members elected to the house of representatives.

19 (b) The members signing the petition shall deliver the
20 petition to:

21 (1) the lieutenant governor and the speaker of the
22 house of representatives, if the legislature is convened in regular
23 or special session; or

24 (2) the governor, if the legislature is not convened
25 in regular or special session.

26 Sec. 393.006. JOINT INTERIM COMMITTEE TO CONSIDER FEDERAL
27 LAWS. (a) At the close of each regular session of the legislature,

1 the lieutenant governor shall appoint three senators and the
2 speaker of the house of representatives shall appoint three members
3 of the house of representatives to a joint interim committee to
4 consider federal laws that may violate Article I, Texas
5 Constitution.

6 (b) The lieutenant governor and speaker of the house of
7 representatives shall each designate a co-chair from among the
8 joint interim committee members.

9 (c) When the legislature is not convened in regular or
10 special session, the joint interim committee shall meet at the
11 joint call of the co-chairs to consider whether a federal law may
12 violate Article I, Texas Constitution.

13 (d) The joint interim committee shall issue a written
14 preliminary determination that a federal law violates Article I,
15 Texas Constitution, if a majority of the members appointed to the
16 committee vote in the affirmative. The committee shall deliver the
17 written preliminary determination to the governor.

18 (e) Joint interim committee members serve until the
19 convening of the next regular session of the legislature.

20 (f) The lieutenant governor or the speaker of the house of
21 representatives, as applicable, shall appoint a member to fill a
22 vacancy in the committee.

23 (g) The joint interim committee has all other powers and
24 duties provided to a special or select committee by the rules of the
25 senate and house of representatives, by Subchapter B, Chapter 301,
26 Government Code, and by policies of the senate and house committees
27 on administration.

1 Sec. 393.007. CONVENING LEGISLATURE WHEN NOT IN SESSION TO
2 CONSIDER FEDERAL LAWS. (a) If the legislature is not otherwise
3 convened in regular or special session, the governor shall convene
4 a special session of the legislature not later than the 30th day
5 after the date the governor receives:

6 (1) a written petition under Section 393.005; or

7 (2) a written preliminary determination under Section
8 393.006.

9 (b) The governor shall include in the purposes of the
10 special session consideration of federal laws that may violate
11 Article I, Texas Constitution.

12 Sec. 393.008. CONSIDERATION OF FEDERAL LAW BY COMMITTEES OF
13 THE WHOLE. (a) The lieutenant governor shall convene a committee
14 of the whole of the senate and the speaker of the house of
15 representatives shall convene a committee of the whole of the house
16 of representatives to consider federal laws that may violate
17 Article I, Texas Constitution:

18 (1) not later than the fifth legislative day after the
19 date a petition is delivered under Section 393.005(b)(1); or

20 (2) on the first day of a special session convened
21 under Section 393.007.

22 (b) A committee of the whole may refer a federal law for
23 consideration under Section 393.003 to the full senate or house of
24 representatives, as applicable, on a majority vote of the members
25 of the committee of the whole of that chamber present and voting.

26 Sec. 393.009. PRIORITY IN LEGISLATIVE ORDER OF BUSINESS.
27 The lieutenant governor or the speaker of the house of

1 representatives shall place consideration of a federal law under
2 Section 393.003 ahead of any bills or resolutions in the chamber's
3 order of business on the first full legislative day the federal law
4 is eligible for consideration.

5 SECTION 2. 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.