

By: Hall

S.J.R. No. 7

A JOINT RESOLUTION

1 proposing a constitutional amendment regarding the execution or  
2 enforcement of federal laws that violate the Bill of Rights of the  
3 Texas Constitution.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The Texas Constitution is amended by adding  
6 Article XVIII to read as follows:

7 ARTICLE XVIII

8 Sec. 1. It is the policy of this state to refuse to provide  
9 material support for, or to participate in the execution or  
10 enforcement of, any federal law that the legislature finds to  
11 violate the Bill of Rights of this constitution.

12 Sec. 2. In this article:

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

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

22 Sec. 3. (a) The legislature, by a majority vote of all the  
23 members elected to each house, may find that a federal law violates  
24 Article I.

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

6       Sec. 4. A state agency or political subdivision, or an  
7 officer or employee of a state agency or political subdivision, may  
8 not execute or enforce a provision, penalty, or sanction provided  
9 by a federal law that the legislature has found under Section 3(a)  
10 to violate Article I.

11       Sec. 5. (a) The legislature may make a preliminary  
12 determination that a federal law violates Article I by written  
13 petition signed by a majority of all members elected to the senate  
14 and a majority of all members elected to the house of  
15 representatives.

16       (b) The members signing the petition shall deliver the  
17 petition to:

18               (1) the lieutenant governor and the speaker of the  
19 house of representatives, if the legislature is convened in regular  
20 or special session; or

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

23       Sec. 6. (a) At the close of each regular session of the  
24 legislature, the lieutenant governor shall appoint three senators  
25 and the speaker of the house of representatives shall appoint three  
26 members of the house of representatives to a joint interim  
27 committee to consider federal laws that may violate Article I.

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

4       (c) When the legislature is not convened in regular or  
5 special session, the joint interim committee shall meet at the  
6 joint call of the co-chairs to consider whether a federal law may  
7 violate Article I.

8       (d) The joint interim committee shall issue a written  
9 preliminary determination that a federal law violates Article I if  
10 a majority of the members appointed to the committee vote in the  
11 affirmative. The committee shall deliver the written preliminary  
12 determination to the governor.

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

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

18       (g) The senate and house of representatives may adopt joint  
19 rules governing the operation of the joint interim committee.

20       Sec. 7. (a) If the legislature is not otherwise convened in  
21 regular or special session, the governor shall convene a special  
22 session of the legislature not later than the 30th day after the  
23 date the governor receives:

24               (1) a written petition under Section 5; or

25               (2) a written preliminary determination under Section  
26 6.

27       (b) The governor shall include in the purposes of the

1 special session consideration of federal laws that may violate  
2 Article I.

3 Sec. 8. (a) The lieutenant governor shall convene a  
4 committee of the whole of the senate and the speaker of the house of  
5 representatives shall convene a committee of the whole of the house  
6 of representatives to consider federal laws that may violate  
7 Article I:

8 (1) not later than the fifth legislative day after the  
9 date a petition is delivered under Section 5(b)(1); or

10 (2) on the first day of a special session convened  
11 under Section 7.

12 (b) A committee of the whole may refer a federal law for  
13 consideration under Section 3 to the full senate or house of  
14 representatives, as applicable, on a majority vote of the members  
15 of the committee of the whole of that chamber present and voting.

16 Sec. 9. The lieutenant governor or the speaker of the house  
17 of representatives shall place consideration of a federal law under  
18 Section 3 ahead of any bills or resolutions in the chamber's order  
19 of business on the first full legislative day the federal law is  
20 eligible for consideration.

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held November 7, 2017.  
23 The ballot shall be printed to provide for voting for or against the  
24 proposition: "The constitutional amendment regarding the execution  
25 or enforcement of federal laws that violate the Bill of Rights of  
26 the Texas Constitution."