

By: Middleton

H.B. No. 78

A BILL TO BE ENTITLED

AN ACT

relating to the identification of and prohibited cooperation by state and local entities with certain federal acts that violate the United States Constitution.

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

SECTION 1. Title 7, Government Code, is amended by adding Chapter 794 to read as follows:

CHAPTER 794. IDENTIFICATION OF AND PROHIBITED COOPERATION WITH CERTAIN UNCONSTITUTIONAL ACTS OF FEDERAL GOVERNMENT

Sec. 794.001. DEFINITIONS. In this chapter:

(1) "Political subdivision" has the meaning assigned by Section 791.003.

(2) "State agency" has the meaning assigned by Section 751.001.

Sec. 794.002. REVIEW OF EXECUTIVE ORDERS. (a) On the last day of each month, the attorney general shall provide a written report to the governor, the lieutenant governor, the speaker of the house of representatives, and each member of the legislature that:

(1) identifies each rule adopted by a federal government agency during the previous month that:

(A) relates to:

(i) border security;

(ii) pandemics or other health emergencies;

(iii) the regulation of natural resources,

1 including coal and oil;

2 (iv) the regulation of the agriculture  
3 industry;

4 (v) the use of land;

5 (vi) the regulation of the financial sector  
6 as it relates to environmental, social, or governance standards;

7 (vii) the regulation of the constitutional  
8 right to keep and bear arms; or

9 (viii) the free exercise of religion,  
10 including the congregating of religious practitioners;

11 (B) was adopted in response to an executive order  
12 by the president of the United States; and

13 (C) violates the rights guaranteed to the  
14 citizens of the United States by the United States Constitution;  
15 and

16 (2) provides the status of any lawsuit filed against  
17 the federal government relating to a rule identified by any report  
18 prepared under this section, including whether a court has found  
19 the rule to violate the rights guaranteed to the citizens of the  
20 United States by the United States Constitution.

21 (b) The attorney general shall publish any report prepared  
22 under this section on the attorney general's website and in the  
23 Texas Register.

24 Sec. 794.003. COOPERATION WITH UNCONSTITUTIONAL ACTS.  
25 Notwithstanding any other law, a state agency or political  
26 subdivision may not cooperate with a federal government agency in  
27 implementing an agency rule that a report published under Section

1 794.002 indicates has been found by a federal court in a decision  
2 that has not been stayed, reversed, or overruled to violate the  
3 rights guaranteed to the citizens of the United States by the United  
4 States Constitution.

5 Sec. 794.004. INJUNCTIVE RELIEF. The attorney general may  
6 bring an action in a district court in Travis County or in a county  
7 in which the political subdivision is located to enjoin a violation  
8 of Section 794.003.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect on the 91st day after the last day of the  
14 legislative session.