

By: Middleton, Burrows, Metcalf, Harris,
et al.

H.B. No. 3046

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the identification of and prohibited cooperation by
3 state and local entities with certain federal acts that violate the
4 United States Constitution.

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

6 SECTION 1. Title 7, Government Code, is amended by adding
7 Chapter 793 to read as follows:

8 CHAPTER 793. IDENTIFICATION OF AND PROHIBITED COOPERATION WITH
9 CERTAIN UNCONSTITUTIONAL ACTS OF FEDERAL GOVERNMENT

10 Sec. 793.001. DEFINITIONS. In this chapter:

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

13 (2) "State agency" has the meaning assigned by Section
14 751.001.

15 Sec. 793.002. REVIEW OF EXECUTIVE ORDERS. (a) On the last
16 day of each month, the attorney general shall provide a written
17 report to the governor, lieutenant governor, speaker of the house
18 of representatives, and each member of the legislature that:

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

21 (A) relates to:

22 (i) pandemics or other health emergencies;

23 (ii) the regulation of natural resources,

24 including coal and oil;

1 (iii) the regulation of the agriculture
2 industry;

3 (iv) the use of land;

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

6 (vi) the regulation of the constitutional
7 right to keep and bear arms; or

8 (vii) the free exercise of religion,
9 including the congregating of religious practitioners;

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

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

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

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

23 Sec. 793.003. COOPERATION WITH UNCONSTITUTIONAL ACTS.
24 Notwithstanding any other law, a state agency or political
25 subdivision may not cooperate with a federal government agency in
26 implementing an agency rule that a report published under Section
27 793.002 indicates has been found by a federal court in a decision

1 that has not been stayed, reversed, or overruled to violate the
2 rights guaranteed to the citizens of the United States by the United
3 States Constitution.

4 Sec. 793.004. INJUNCTIVE RELIEF. The attorney general may
5 bring an action in a district court in Travis County or in a county
6 in which the political subdivision is located to enjoin a violation
7 of Section 793.003.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2021.