

By: Middleton

H.B. No. 3046

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 793 to read as follows:

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

Sec. 793.001. 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. 793.002. REVIEW OF EXECUTIVE ORDERS. (a) On the last day of each month, the attorney general shall provide a written report to the governor, lieutenant governor, 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) pandemics or other health emergencies;

(ii) the regulation of natural resources, 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 court to violate the rights

1 guaranteed to the citizens of the United States by the United States  
2 Constitution.

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