

By: Swanson

H.B. No. 4522

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) freedom of speech;

(ii) the freedom to assemble;

(iii) the freedom to petition the

1 government;
2 (iv) the freedom of the press;
3 (v) the free exercise of religion,
4 including the congregating of religious practitioners;
5 (vi) the right of the people to keep and
6 bear arms;
7 (vii) the regulation of the agriculture
8 industry;
9 (viii) the use of land;
10 (ix) the regulation of natural resources,
11 including oil and natural gas;
12 (x) the regulation of education;
13 (xi) the regulation of interscholastic,
14 intramural, or other extracurricular sports sponsored by an
15 institution of higher education, a school district, or a charter
16 school;
17 (xii) powers not specifically granted to
18 the federal government by the United States Constitution;
19 (B) was adopted in response to an executive order
20 by the president of the United States; and
21 (C) violates the rights guaranteed to the
22 citizens of the United States by the United States Constitution or
23 exceeds the powers specifically granted to the federal government
24 by the United States Constitution; and
25 (2) provides the status of any lawsuit filed against
26 the federal government relating to a rule identified by any report
27 prepared under this section, including whether a court has found

1 the rule to:

2 (A) violate the rights guaranteed to the citizens
3 of the United States by the United States Constitution; or

4 (B) exceed the powers specifically granted to the
5 federal government by the United States Constitution.

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

9 Sec. 793.003. COOPERATION WITH UNCONSTITUTIONAL ACTS.

10 Notwithstanding any other law, a state agency or political
11 subdivision may not cooperate with a federal government agency in
12 implementing an agency rule that a report published under Section
13 793.002 indicates:

14 (1) violates the rights guaranteed to the citizens of
15 the United States by the United States Constitution; or

16 (2) exceeds the powers specifically granted to the
17 federal government by the United States Constitution.

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