

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 17, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3046 by Middleton (Relating to the identification of and prohibited cooperation by state and local entities with certain federal acts that violate the United States Constitution.), **As Engrossed**

The fiscal implications of the bill cannot be determined at this time. It is unknown what federal agency rules, or how many, may be considered by a court to violate the rights guaranteed to the citizens of the United States by the federal constitution, or the potential loss of federal funds that may or may not result from federal sanctions for not enforcing such rules.

The bill would amend the Texas Government Code to require the Office of the Attorney General (OAG) to provide a monthly report to the legislature identifying each rule adopted by a federal agency during the previous month relating to certain subject matters that was adopted in response to an executive order and violates the constitutional rights of citizens. The OAG, in the report, would also identify the status and/or ruling of any lawsuit related to such rules. The bill would prohibit state agencies and political subdivisions from cooperating with a federal agency in implementing any rule that the OAG's report indicates has been found by a court to violate citizens' constitutional rights.

It is unknown what federal agency rules, or how many, may be considered by a court to violate the rights guaranteed to the citizens of the United States by the federal constitution, or the potential loss of federal funds that may or may not result from federal sanctions for not enforcing such rules. Therefore the fiscal impact on the bill's provision prohibiting a state agency from cooperating with a federal agency in certain circumstances cannot be determined.

According to the OAG, any additional work resulting from the bill's reporting requirements could be absorbed within current resources.

Local Government Impact

The fiscal implications of the bill cannot be determined at this time.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JMc, SMAT, LCO, HGR