

BILL ANALYSIS

Senate Research Center
89R31196 MLH-F

C.S.H.B. 796
By: Bell, Cecil et al. (King)
State Affairs
5/27/2025
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 796 amends current law relating to the authority of the legislature to determine that certain federal directives are unconstitutional and to prohibit certain government officers and employees from enforcing or assisting in the enforcement of the directive.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle Z, Title 3, Government Code, by adding Chapter 394, as follows:

CHAPTER 394. UNCONSTITUTIONAL FEDERAL DIRECTIVES

Sec. 394.001. DEFINITIONS. Defines "federal agency," "federal directive," "government officer or employee," "political subdivision," and "unconstitutional federal directive."

Sec. 394.002. LEGISLATIVE AUTHORITY. (a) Authorizes the legislature by concurrent resolution to determine that a federal directive is an unconstitutional federal directive and prohibit a government officer or employee from enforcing or assisting in the enforcement of the unconstitutional federal directive.

(b) Provides that this section does not apply to a federal directive that activates the state military forces as defined by Section 431.001 (Definitions).

Sec. 394.003. REQUIREMENTS TO FILE RESOLUTION. Prohibits a member of the legislature from filing a concurrent resolution described by Section 394.002 unless the filing is approved by a vote of two-thirds of the members present in the house in which the member seeks to file the resolution.

Sec. 394.004. CONTENTS OF RESOLUTION. Sets forth certain requirements regarding the contents of the resolution.

Sec. 394.005. VOTE REQUIREMENT IN CONCURRING HOUSE. Prohibits a house of the legislature from adopting a concurrent resolution described by Section 394.002 filed and adopted by the other house without a vote of two-thirds of the members of the house seeking to concur with the other house on the adoption of the resolution.

Sec. 394.006. REPEAL OF RESOLUTION. Provides that the legislature is authorized to repeal a concurrent resolution adopted under this chapter only by concurrent resolution filed and adopted in the manner prescribed for the adoption of the resolution being repealed.

Sec. 394.007. LEGISLATIVE INACTION. Provides that the fact that the legislature has not considered whether a federal directive is an unconstitutional federal directive under this chapter does not imply or create a presumption that the directive is constitutional or

limit the authority of the attorney general to challenge the constitutionality of the directive.

SECTION 2. Effective date: upon passage or September 1, 2025.