

## **BILL ANALYSIS**

Senate Research Center  
89R2660 TJB-D

S.B. 707  
By: King  
State Affairs  
2/25/2025  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, only the Texas Attorney General can challenge the constitutionality of federal directives issued by presidential executive orders, federal agency rulemaking, and laws passed by Congress. S.B. 707 would establish a framework for the legislature to determine the constitutionality—and prohibit the enforcement—of a federal mandate by a state officer or employee.

S.B. 707 authorizes the legislature by concurrent resolution to determine (1) that a federal directive is unconstitutional and (2) to prohibit a government officer or employee from enforcing, or assisting in the enforcement of, the unconstitutional federal directive. The bill does not apply to a federal directive that activates the state military force.

As proposed, S.B. 707 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 this section unless the filing is approved by the speaker of the house of representatives, if the member is a member of the house; the lieutenant governor, if the member is a member of the senate; or the 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. Prohibits the legislature from adopting a concurrent resolution described by Section 394.002 unless the resolution:

(1) identifies the federal directive that the legislature determines is an unconstitutional federal directive;

(2) explains the basis for the legislature's determination;

(3) specifies whether a government officer or employee is prohibited from enforcing or assisting in the enforcement of the directive, including specific activities or forms of assistance that the officer or employee is prohibited from engaging in;

(4) specifies the government officers or employees to whom the concurrent resolution applies, as applicable; and

(5) specifies any other requirement the legislature considers appropriate to impose on a government officer or employee in order to comply with the legislature's determination.

Sec. 394.005. REPEAL OF RESOLUTION. Authorizes the legislature 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. 394.006. 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.