

BILL ANALYSIS

Senate Research Center
82R2347 JSA-D

H.B. 1129
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is an ongoing debate as to whether certain international agreements have any authority to control state government or change existing state laws. Many also have questioned whether the federal government has authority to direct the Texas Legislature or a state court to change or harmonize its existing state laws or judicial decisions to reflect a ruling by the International Court of Justice, commonly referred to as the "World Court."

H.B. 1129 addresses this issue by requiring the Texas Attorney General to study whether the power of the federal government to enter into certain agreements with a foreign nation or international organization can overrule the sovereignty otherwise granted to the state when it joined the United States. The Attorney General will then submit the findings of that report to the legislature.

H.B. 1129 amends current law relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.

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. (a) Requires the attorney general to conduct a study to determine whether the law of this state or the legislative authority of the Texas Legislature is or may be restricted, nullified, superseded, preempted, or otherwise directly affected by:

- (1) any existing or proposed compact, agreement, or other arrangement between the United States, this state, or a political subdivision of this state and a foreign governmental entity, including a foreign state or local governmental entity;
- (2) any international organization, including a nonprofit corporation, consisting of public or private entities from the United States and any other nation or nations, acting in coordination with a federal, state, or local government, or with a stated purpose of influencing governmental action or public policy; or
- (3) any foreign or international body acting in connection with or under the authority of a compact, agreement, or other arrangement described by Subdivision (1) of this subsection, through any means including legislative or administrative action, judicial or quasijudicial decision, order, rule, regulation, or other action.

(b) Requires the attorney general, in conducting the study, to investigate and report whether any entity described by Subsection (a)(2) or (3) of this section has attempted, formally or informally, to restrict, nullify, supersede, preempt, or otherwise directly affect the law or policy of this state or the authority of any state or local governmental body in this state.

(c) Requires the attorney general, in conducting the study, to include consideration of the following:

(1) the North American Free Trade Agreement (NAFTA) and any entity created under or in connection with the agreement;

(2) the Security and Prosperity Partnership of North America (SPP) and any entity created under or in connection with the agreement, including the North American Competitiveness Council (NACC);

(3) the World Trade Organization (WTO) and any associated agreement;

(4) the World Health Organization (WHO) and any associated entity or agreement;

(5) the United Nations and any associated entity or agreement; and

(6) North America's SuperCorridor Coalition, Inc. (NASCO).

(d) Authorizes the attorney general to enter into an agreement or other arrangement with a law school at a public institution of higher education in this state under which the attorney general may make use of the resources and personnel of the law school in conducting the study.

(e) Requires the attorney general, not later than December 1, 2012, to prepare a report of the findings of the study and provide a copy of the report to each member of the legislature.

SECTION 2. Effective date: upon passage or September 1, 2011.