

BILL ANALYSIS

H.B. 3046
By: Middleton
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the issuance of potentially unconstitutional executive orders by the President of the United States and assistance that might be provided by state or local governments in enforcing those orders or rules adopted by the federal government to implement the policy directives included in the orders. H.B. 3046 seeks to address this issue by requiring the attorney general to issue a monthly report identifying certain rules adopted by federal government agencies in response to a presidential executive order that violate rights guaranteed by the U.S. Constitution and prohibiting state agencies and political subdivisions from cooperating with a federal government agency to enforce certain unconstitutional federal rules.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3046 amends the Government Code to require the attorney general, on the last day of each month, to provide to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature a written report that identifies each rule adopted by a federal government agency during the previous month that meets the following criteria:

- that relates to one of the following:
 - pandemics or other health emergencies;
 - the regulation of natural resources, including coal and oil;
 - the regulation of the agriculture industry;
 - the use of land;
 - the regulation of the financial sector as it relates to environmental, social, or governance standards;
 - the regulation of the constitutional right to keep and bear arms; or
 - the free exercise of religion, including the congregating of religious practitioners;
- that was adopted in response to a presidential executive order; and
- that violates the rights guaranteed to U.S. citizens by the U.S. Constitution.

The bill requires that the report also provide the status of any lawsuit filed against the federal government relating to such an identified rule, including whether a court has found the rule to violate guaranteed constitutional rights.

H.B. 3046 requires the attorney general to publish the report on its website and in the Texas Register. The bill prohibits an applicable state agency or political subdivision from cooperating with a federal government agency in implementing an agency rule that the attorney general report indicates has been found by a court to violate guaranteed constitutional rights.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.