

1-1 By: King S.B. No. 707  
1-2 (In the Senate - Filed January 6, 2025; February 7, 2025,  
1-3 read first time and referred to Committee on State Affairs;  
1-4 March 5, 2025, reported favorably by the following vote: Yeas 10,  
1-5 Nays 1; March 5, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Hughes	X			
1-9	Paxton	X			
1-10	Bettencourt	X			
1-11	Birdwell	X			
1-12	Hall	X			
1-13	Hinojosa of Nueces	X			
1-14	Middleton	X			
1-15	Parker	X			
1-16	Perry	X			
1-17	Schwertner	X			
1-18	Zaffirini		X		

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the authority of the legislature to determine that  
1-22 certain federal directives are unconstitutional and to prohibit  
1-23 certain government officers and employees from enforcing or  
1-24 assisting in the enforcement of the directive.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle Z, Title 3, Government Code, is amended  
1-27 by adding Chapter 394 to read as follows:

1-28 CHAPTER 394. UNCONSTITUTIONAL FEDERAL DIRECTIVES

1-29 Sec. 394.001. DEFINITIONS. In this chapter:

1-30 (1) "Federal agency" means a department, agency,  
1-31 authority, commission, council, board, office, bureau, or other  
1-32 administrative unit of the executive branch of the United States.

1-33 (2) "Federal directive" means:

1-34 (A) a federal law;

1-35 (B) an executive order of the president of the  
1-36 United States; or

1-37 (C) a federal agency rule, policy, order, or  
1-38 standard.

1-39 (3) "Government officer or employee" means:

1-40 (A) an elected or appointed officer of this state  
1-41 or a political subdivision, other than the lieutenant governor or a  
1-42 member of the legislature;

1-43 (B) an employee of this state or a political  
1-44 subdivision, other than an employee of the lieutenant governor or  
1-45 of a member of the legislature; or

1-46 (C) a member of the governing body of an  
1-47 open-enrollment charter school or an officer or employee of the  
1-48 school.

1-49 (4) "Political subdivision" means a county,  
1-50 municipality, school district, junior college district, special  
1-51 district, or other subdivision of state government.

1-52 (5) "Unconstitutional federal directive" means a  
1-53 federal directive that:

1-54 (A) infringes on a power or right reserved to the  
1-55 state by the Tenth Amendment to the United States Constitution; or

1-56 (B) prohibits or limits the ability of this state  
1-57 to:

1-58 (i) provide for the health, safety, and  
1-59 welfare of the people of this state; or

1-60 (ii) promote the prosperity of the people  
1-61 of this state.

2-1 Sec. 394.002. LEGISLATIVE AUTHORITY. (a) The legislature  
 2-2 by concurrent resolution may:

2-3 (1) determine that a federal directive is an  
 2-4 unconstitutional federal directive; and

2-5 (2) prohibit a government officer or employee from  
 2-6 enforcing or assisting in the enforcement of the unconstitutional  
 2-7 federal directive.

2-8 (b) This section does not apply to a federal directive that  
 2-9 activates the state military forces as defined by Section 431.001.

2-10 Sec. 394.003. REQUIREMENTS TO FILE RESOLUTION. A member of  
 2-11 the legislature may not file a concurrent resolution described by  
 2-12 this section unless the filing is approved by:

2-13 (1) the speaker of the house of representatives, if  
 2-14 the member is a member of the house;

2-15 (2) the lieutenant governor, if the member is a member  
 2-16 of the senate; or

2-17 (3) the vote of two-thirds of the members present in  
 2-18 the house in which the member seeks to file the resolution.

2-19 Sec. 394.004. CONTENTS OF RESOLUTION. The legislature may  
 2-20 not adopt a concurrent resolution described by Section 394.002  
 2-21 unless the resolution:

2-22 (1) identifies the federal directive that the  
 2-23 legislature determines is an unconstitutional federal directive;

2-24 (2) explains the basis for the legislature's  
 2-25 determination;

2-26 (3) specifies whether a government officer or employee  
 2-27 is prohibited from enforcing or assisting in the enforcement of the  
 2-28 directive, including specific activities or forms of assistance  
 2-29 that the officer or employee may not engage in;

2-30 (4) specifies the government officers or employees to  
 2-31 whom the concurrent resolution applies, as applicable; and

2-32 (5) specifies any other requirement the legislature  
 2-33 considers appropriate to impose on a government officer or employee  
 2-34 in order to comply with the legislature's determination.

2-35 Sec. 394.005. REPEAL OF RESOLUTION. The legislature may  
 2-36 repeal a concurrent resolution adopted under this chapter only by  
 2-37 concurrent resolution filed and adopted in the manner prescribed  
 2-38 for the adoption of the resolution being repealed.

2-39 Sec. 394.006. LEGISLATIVE INACTION. The fact that the  
 2-40 legislature has not considered whether a federal directive is an  
 2-41 unconstitutional federal directive under this chapter does not:

2-42 (1) imply or create a presumption that the directive  
 2-43 is constitutional; or

2-44 (2) limit the authority of the attorney general to  
 2-45 challenge the constitutionality of the directive.

2-46 SECTION 2. This Act takes effect immediately if it receives  
 2-47 a vote of two-thirds of all the members elected to each house, as  
 2-48 provided by Section 39, Article III, Texas Constitution. If this  
 2-49 Act does not receive the vote necessary for immediate effect, this  
 2-50 Act takes effect September 1, 2025.

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