

BILL ANALYSIS

Senate Research Center
80R15483 JSA-D

H.B. 3647
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International Relations & Trade
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There has been an ongoing debate as to whether an international agreement or treaty has any authority to control state government or change existing state laws. Many 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 World Court.

H.B. 3647 requires the Texas attorney general to study whether the power of the federal government to enter into a treaty or agreement with a foreign nation or international organization can overrule the sovereignty otherwise granted to this state when it joined the United States.

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whether the law of this state or the legislative authority of the Texas Legislature is or may be restricted, mollified, superseded, preempted, or otherwise directly affected by certain international compacts, agreements, or other arrangements, and by certain international organizations and bodies.

(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 make considerations regarding certain international agreements and organizations.

(d) Authorizes the attorney general, in conducting the study, 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.

(e) Requires the attorney general to prepare a report on the findings of the study and provide a copy of the report to each member of the legislature not later than December 1, 2008.

SECTION 2. Effective date: upon passage or September 1, 2007.