

## **BILL ANALYSIS**

C.S.H.B. 3647  
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Border & International Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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.

The purpose of C.S.H.B. 3647 is to require 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 the state when it joined the United States.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

C.S.H.B. 3647 requires the attorney general to conduct a study to determine if the laws of this state or the authority of the Texas Legislature is or may be restricted, nullified, superseded, preempted, or otherwise directly affected by certain international and other agreements and bodies. The bill sets forth provisions for what the attorney general is required to investigate, report, and consider in conducting the study. The bill authorizes the attorney general to enter into an agreement or arrangement with a law school of a public higher education institution in this state to make use of the resources and personnel of the law school in conducting the study. The bill also requires the attorney general to prepare a report of the findings of the study and provide a copy of the report to each member of the legislature not later than December 1, 2008.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute differs from the original by including the United Nations and any associated entities and agreements among the items the attorney general is required to consider in conducting the study. The substitute also differs by adding language that authorizes the attorney general to enter into an agreement or arrangement with a law school of a public higher education institution in this state to make use of the resources and personnel of the law school in conducting the study. The substitute deletes language authorizing the attorney general, at the request of a member of the legislature or other state official, to consider in connection with the study any other matter or question related to the matters provided by this Act. The Substitute also requires the attorney general to prepare a report of the findings of the study and provide a copy of the report to each member of the legislature not later than December 1, 2008, rather than December 1, 2007.