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OCT 26 2005

OPINION COMMITTEE

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Norma Chávez

FILE # ML-44481-05

I.D. # 44481

October 25, 2005

The Honorable Greg Abbott
Office of the Attorney General
209 West 14th Street
Austin, TX 78711-2548

RQ-0407-GA

RE: The State of Texas and political subdivisions' authority to regulate the movement of people across national boundaries.

Dear Attorney General Abbott:

I respectfully request your opinion on the authority of the State and political subdivisions to regulate the movement of people across national boundaries.

During the 78th Legislature, Regular Session, House Bill 3544 would have created a pilot program in Hidalgo and Cameron counties to require persons younger than 18 years of age that attempt to cross the border between Texas and Mexico to be accompanied by a parent or guardian, or have written consent from a parent or guardian, to cross the border.

In addition, the City of El Paso has recently considered introducing an ordinance that would allow the local police department to prevent persons younger than 18 years of age from crossing into Mexico without written consent from a parent or guardian. However, the El Paso city attorney does not believe the city has the legal authority to regulate the movement of people between states or countries.

Recently, I was appointed by Speaker Tom Craddick to chair the Binational Alcohol and Substance Task Force. The task force will be studying issues relating to binge drinking along the Texas-Mexico border and must submit recommendations to the Legislature to address these issues. Since legislators and local governments have suggested this before, a potential task force recommendation might be to allow the state or any other political

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subdivision to restrict persons younger than 18 years of age from crossing into Mexico without written consent from a parent or guardian.

However, I have concerns as to whether the state or any political subdivisions in the state have the legal authority to regulate the movement of people between countries as this issue is primarily within the federal government's jurisdiction and freedom of movement is generally considered to be a civil liberty. Your guidance on this issue could prevent the task force from focusing on potential recommendations that could not be implemented as legislation.

Please feel free to contact my office should you require further information pertaining to this request.

Kindest regards,

A handwritten signature in black ink that reads "Norma Chávez". The signature is written in a cursive style with a large, stylized initial "N".

Norma Chávez, Chair
House Committee on Border and International Affairs