

## **BILL ANALYSIS**

H.J.R. 88  
By: Elkins  
State Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas Legislature sometimes establishes broad policies when enacting legislation and provides rulemaking authority to a state agency, officer, department, or institution to create detailed regulations for purposes of implementing such policies. Although a necessary complement to the legislative process, the rulemaking process can create excessive regulations unintended by the legislature and can lead to loss or misinterpretation of legislative intent.

H.J.R. 88 proposes a constitutional amendment to provide for legislative review of rulemaking by agencies in the executive branch.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

H.J.R. 88 proposes an amendment to the Texas Constitution to authorize the legislature by law to provide for legislative review of the process of rulemaking by agencies in the executive department. The resolution authorizes such a law to prescribe conditions for rules to take effect; provide for the suspension, repeal, or expiration of rules; and prescribe procedures and delegate powers to either or both houses of the legislature or to committees of either or both houses. The resolution sets out the required ballot language.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 8, 2011.