

BILL ANALYSIS

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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Overreaching regulatory policies mandated by the federal government encroach upon liberties guaranteed to United States citizens by the First, Second, Fourth, and Fifth Amendments enumerated in the Bill of Rights.

In January 2017, the U.S. House of Representatives passed the Regulations From the Executive in Need of Scrutiny (REINS) Act, which requires that congressional approval be obtained prior to the execution of new major regulations. Even if enacted, however, that law is vulnerable to repeal or waiver by a future Congress or president.

States today have little recourse when the government in Washington, D.C. oversteps its authority. The only way to contest a federal regulation is to bring a constitutional challenge in federal court or to seek an amendment to the constitution.

Passage of a regulation freedom amendment would help restore constitutional balance by providing that whenever one-fourth of the members of either the U.S. House of Representatives or the U.S. Senate transmit to the president of the United States a written declaration of opposition to a proposed federal regulation, the regulation would require a majority vote of approval from both chambers for adoption.

A regulation freedom amendment would reestablish the separation of powers in the regulatory process and allow the will of the people to be voiced through their democratically elected representatives.

RESOLVED

That the 85th Legislature of the State of Texas hereby respectfully urge the Congress of the United States to propose and submit to the states for ratification a regulation freedom amendment to the U.S. Constitution.

That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the president of the Senate and the speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to Congress with the request that this resolution be entered in the Congressional Record as a memorial to the Congress of the United States of America.