

BILL ANALYSIS

Senate Research Center
88R9303 CJC-D

S.J.R. 57
By: Parker
Business & Commerce
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current statute, state agencies are given the authority to create rules and regulations that further define and clarify how the laws are to be implemented.

Giving the legislature the authority to approve or reject agency rules based upon legislative intent would ensure that state agencies are acting within the scope of the laws passed by the legislature, and that any regulations they create are consistent with the intent of those laws.

S.J.R. 57, if approved by voters on a statewide ballot, would grant the legislature the power to review, accept, or reject any agency rule. The legislature's determination on an agency's rule is not subject to disapproval by the governor.

S.J.R. 57 proposes a constitutional amendment authorizing the legislature to provide for legislative review and approval of state agency rules.

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. Amends Article II, Texas Constitution, by adding Section 2, as follows:

Sec. 2. Authorizes the legislature to prescribe a process for the legislative review of rules adopted by agencies in the executive department for the purpose of ensuring that each agency rule is consistent with the intent of the legislature in enacting the statute the rule is adopted to implement, interpret, or prescribe. Authorizes the process prescribed by the legislature to provide the manner by which the legislative review is conducted and to allow for the approval or rejection by the legislature of all or any part of an adopted rule. Provides that, notwithstanding Sections 14 (Approval or Veto of Bills; Return and Reconsideration; Failure to Return; Veto of Items of Appropriation) and 15 (Approval or Veto of Orders, Resolutions, or Votes), Article IV (Executive Department), of this constitution, or any other law, the approval or rejection of all or any part of an adopted rule by the legislature is not subject to disapproval by the governor.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 7, 2023. Sets forth the required language of the ballot.