

RESOLUTION ANALYSIS

H.J.R. 94
By: Roberts
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that the legislature lacks the authority to review proposed state agency rules. H.J.R. 94 seeks to address this issue by proposing an amendment to the Texas Constitution to authorize the legislature to provide for legislative review or approval of rules adopted by state agencies in the executive department.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this resolution does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 94 proposes an amendment to the Texas Constitution to authorize the legislature by general law to provide for legislative review or approval of rules adopted by agencies in the executive department. The resolution authorizes the law to prescribe procedures regarding rules; prescribe conditions for rules to take effect; provide for suspension, repeal, or expiration of rules; or delegate powers to either legislative house, including committees in those houses. The resolution requires a general law enacted under its provisions to provide that only an elected member of the legislature may participate in the approval of rules adopted by agencies in the executive department.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 7, 2017.