

BILL ANALYSIS

Senate Research Center

H.J.R. 60
By: Dunnam (Sponsor Unknown)
Jurisprudence
5/11/2001
Engrossed

DIGEST AND PURPOSE

In 1988, the United States Congress passed the Judicial Improvements and Access to Justice Act, which was designed to give the public, through Congress, better input into federal court procedures. In the past, Texas courts have passed rules effecting substantive law at times when the legislature has had no authority to review such rules and possible intrusion of those rules on legislative functions. In an attempt to clarify the judicial and legislative functions, H.J.R. 60 provides that the legislature be given an opportunity to review court rules before the rules become effective.

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 Section 31(c), Article V, Texas Constitution, to authorize the legislature to delegate to the Texas Supreme Court or Court of Criminal Appeals the power to promulgate such rules as may be prescribed by law or this Constitution, subject to such limitations and procedures as may be provided by law.

SECTION 2. Repealer: Section 31(b), Article V, Texas Constitution.

SECTION 3. Requires the proposed constitution amendment to be submitted to the voters at an election to be held November 6, 2001. Requires the ballot to be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the legislative branch to exercise more direct supervision of the rulemaking power of the Supreme Court of Texas."