

BILL ANALYSIS

Senate Research Center
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S.J.R. 48
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In the past three regular legislative sessions, the legislature has considered dozens of proposals to regulate certain occupations. These proposals are in addition to the thorough regulatory scheme that the state has already implemented to regulate occupations as diverse as doctors, air conditioning and refrigeration contractors, cosmetologists, and private investigators. Through the Texas Department of Licensing and Regulation (TDLR) alone, the state issues over 150 different occupational licenses. In addition to TDLR, the Department of Public Safety of the State of Texas, the Texas Medical Board, the State Board of Dental Examiners, the Texas Board of Professional Engineers, the Texas Board of Architectural Examiners, and the Texas State Board of Plumbing Examiners are some of the other agencies that oversee occupational regulation in the state.

Occupational regulation is sometimes necessary to protect public health, safety, and welfare. However, in the past, some regulatory proposals stemmed from a desire to provide legitimacy to future license holders as opposed to a desire to protect public health, safety, and welfare.

S.J.R. 48 provides a mechanism to strengthen the legislature's ability to evaluate proposed programs and prevent unnecessary occupational regulation from becoming codified. S.J.R. 48 proposes a constitutional amendment to require a member of the legislature to obtain an analysis of the costs and benefits of any proposed occupational regulatory enhancement that the member wishes to introduce as a bill (or offer as an amendment to a bill) and to file a copy of this analysis with the proposed bill or amendment.

As proposed, S.J.R. 48 proposes a constitutional amendment to require a member of the legislature to obtain and file a report on the costs and benefits of a bill or amendment to impose or increase an occupational regulation.

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 III, Texas Constitution, by adding Section 30a, as follows:

Sec. 30a. (a) Prohibits a member of the legislature from introducing a bill or offering an amendment to a bill, including an amendment in the form of a complete substitute for the bill, that requires an individual or entity to obtain a license or imposes a similar prerequisite to practice or perform an occupation or profession that applies statewide, increases the requirements to obtain a license or satisfy a similar prerequisite to practice or perform an occupation or profession that applies statewide, or imposes another form of regulation on the practice or performance of an occupation or profession that applies statewide unless the member:

- (1) obtains an evaluation of and report on the costs and benefits of the regulation proposed by the bill or amendment from a state agency as provided by law; and

(2) files a copy of the report described by Subdivision (1) of this subsection with the bill or amendment.

(b) Authorizes any member of the legislature to offer an amendment to a bill or amendment introduced or offered under Subsection (a) of this section, including an amendment in the form of a complete substitute for the bill or amendment, if the amendment does not substantially change the substance of the regulation in the bill or amendment to which the amendment is offered or complies with the requirements of Subsection (a) of this section.

(c) Prohibits a law from being held void on the basis that a member of the legislature failed to comply with this section or that a bill or amendment failed to meet the requirements of this section during its passage through the legislature.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 5, 2013. Sets forth the required language of the ballot.