

Allowing Legislation that Repeals Current Law to Be Considered in the First 60 Days of a Legislative Session

Purpose of proposed legislation

- Allows legislation that only repeals existing law to be considered in the first 60 days of the Texas Legislature's biennial regular session.

Explain the problem being addressed

- Bills that reduce the size and scope of government by repealing existing law, in the spirit of the framers of the Texas Constitution who sought a government that focuses on securing and protecting the life, liberty, and property of citizens, have a hard time competing with other legislation once the first 60 days is past.

Explain how the proposed legislation addresses the problem

- Provides a spotlight and opportunity for bills that only repeal existing statute by amending the Texas Constitution so the Legislature can consider and vote on these bills during the first 60 days of a regular session.

What statute(s) would be changed by proposed legislation?

- Article 3; Section 5 of the Texas Constitution.

Explanation of Proposed Legislation

The drafters of the Texas Constitution sought to model the founders of the United States in designing a government focused on securing and protecting the life, liberty, and property of citizens. One provision to this end, outlined in Article 3; Section 5 of the Texas Constitution, restricts the Legislature's ability to consider bills during first 60 days of the session—only emergency legislation designated by the governor can be considered and voted on by each house during this time. This restriction slows the legislative process, allows for more deliberation of the issues, and provides for more transparency and involvement by citizens. Because most legislation today is designed not to protect liberty but to undermine it, the additional time and scrutiny allowed by delayed consideration of bills helps slow the growth of the administrative state.

Lost amidst the clutter of the more than 6,000 bills filed each session are bills that seek to reverse the growth of government and keep it within the confines of the founder's vision. In particular, bills that eliminate government programs and repeal laws rarely are considered during a legislative session, and even less often actually become law. This proposed amendment to the Texas Constitution provides a spotlight and opportunity for bills that repeal existing statute by allowing the Legislature to consider and pass these bills during the first 60 days of a regular session.

One bill from the 85th Texas Legislature (2017) that might have benefitted from this provision was HB 340 that would have abolished shampoo apprentice permits. That is right; it is illegal to shampoo a person's hair in Texas unless one holds a shampoo apprentice permit or student

permit. Yet this common sense legislation could not compete on a legislative calendar crowded with bills that would grow government.

With the passage of this amendment, the Legislature can take up and pass bills in the first 60 days that only repeal existing statutes, changing the dynamic of the debate in the Texas Legislature. It would make debate over reducing the size and scope of government one of the central focuses for half of the session. This could help overcome the lack a specific, concentrated constituency that generally can be counted on to support legislation designed to take government in the opposite direction.