HB 1096 Von Dohlen

DIGEST: This bill makes a number of changes in the schedules and penalty groups under the Controlled Substances Act.

REASONS FOR VETO: This bill is identical to SB 322, which the Governor has signed. HB 1096 was vetoed to avoid duplication.

REACTION: Representative Von Dohlen said that the veto of this bill was no problem since SB 322 made the needed changes in the Controlled Substances Act.

HB 1228 Messer

DIGEST: This bill allows the Texas Employment Commission to sell eight tracts of land.

REASONS FOR VETO: The Senate companion bill (SB 755) passed and has been signed.

REACTION: None

HB 1382 Von Dohlen

DIGEST: This bill makes a number of changes in the agency rulemaking process, including additional fiscal information requirements in proposed rules. It also creates the Joint Committee on Administrative Rules Review. This committee could review proposed and existing agency rules and suspend a proposed rule if it violated certain conditions. This suspension would be "temporary" and would have to be affirmed by a majority vote of both houses.

REASONS FOR VETO: There was no particular quarrel with the purposes of the bill, but it does not anticipate the passage of a proposed constitutional amendment giving the Legislature this authority. The bill "runs into the separation of powers doctrine" in the Constitution. The bill would have been sent to the Secretary of State without the Governor's signature, as was done with other bills, if it were anticipatory legislation.

REACTION: Representative Von Dohlen said that he was "disappointed" that the Governor had chosen to veto this bill. He understands that the veto was based partly on a violation of separation of powers. He had tried to allay those types of fears on the grounds that proposed rules were not a final action of an agency and any suspension was not a violation of separation of powers.

He agreed that it was not anticipatory legislation. The legislation was nonetheless important, especially the fiscal statements required of agencies. He said that he will try to pass a similar measure next session.

COMMENTARY: A constitutional amendment giving the Legislature authority to review agency rules, HJR 133, is on the ballot in November.