

By: Klick

H.B. No. 139

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of notice of certain proposed rules by
3 state agencies.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2001.024(a), Government Code, is amended
6 to read as follows:

7 (a) The notice of a proposed rule must include:

8 (1) a brief explanation of the proposed rule;

9 (2) the text of the proposed rule, except any portion
10 omitted under Section 2002.014, prepared in a manner to indicate
11 any words to be added or deleted from the current text;

12 (3) a statement of the statutory or other authority
13 under which the rule is proposed to be adopted, including:

14 (A) a concise explanation of the particular
15 statutory or other provisions under which the rule is proposed;

16 (B) the section or article of the code affected;

17 [~~and~~]

18 (C) if applicable, the bill number for the
19 legislation that enacted the statutory authority under which the
20 rule is proposed to be adopted; and

21 (D) a certification that the proposed rule has
22 been reviewed by legal counsel and found to be within the state
23 agency's authority to adopt;

24 (4) a fiscal note showing the name and title of the

1 officer or employee responsible for preparing or approving the note
2 and stating for each year of the first five years that the rule will
3 be in effect:

4 (A) the additional estimated cost to the state
5 and to local governments expected as a result of enforcing or
6 administering the rule;

7 (B) the estimated reductions in costs to the
8 state and to local governments as a result of enforcing or
9 administering the rule;

10 (C) the estimated loss or increase in revenue to
11 the state or to local governments as a result of enforcing or
12 administering the rule; and

13 (D) if applicable, that enforcing or
14 administering the rule does not have foreseeable implications
15 relating to cost or revenues of the state or local governments;

16 (5) a note about public benefits and costs showing the
17 name and title of the officer or employee responsible for preparing
18 or approving the note and stating for each year of the first five
19 years that the rule will be in effect:

20 (A) the public benefits expected as a result of
21 adoption of the proposed rule; and

22 (B) the probable economic cost to persons
23 required to comply with the rule;

24 (6) the local employment impact statement prepared
25 under Section [2001.022](#), if required;

26 (7) a request for comments on the proposed rule from
27 any interested person; and

1 (8) any other statement required by law.

2 SECTION 2. Subchapter B, Chapter 2001, Government Code, is
3 amended by adding Section 2001.0261 to read as follows:

4 Sec. 2001.0261. NOTICE TO CERTAIN PERSONS. (a) This
5 section applies only to a rule that is proposed to be adopted by a
6 state agency under statutory authority that:

7 (1) specifically authorizes the agency to adopt the
8 rule; and

9 (2) became law during the preceding four-year period.

10 (b) A state agency shall provide, not later than the third
11 day after the date on which the agency files notice with the
12 secretary of state as required under Section 2001.023, notice of a
13 proposed rule to each person who was a primary author or sponsor of
14 the legislation that enacted the statutory authority under which
15 the proposed rule is to be adopted, if that person is a current
16 member of the legislature.

17 (c) The state agency shall provide the notice required under
18 Subsection (b) electronically to the person's designated Capitol
19 e-mail address or to another e-mail address provided by the person
20 to the agency for the purpose of receiving the notice.

21 (d) Failure to provide the notice required under Subsection
22 (b) does not invalidate a rule adopted by a state agency or an
23 action taken by the agency under that rule.

24 SECTION 3. The change in law made by this Act applies only
25 to a proposed state agency rule for which notice is filed with the
26 secretary of state under Section 2001.023, Government Code, on or
27 after the effective date of this Act.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.