

By: Perry

S.B. No. 506

A BILL TO BE ENTITLED

AN ACT

relating to a limitation on the authority of state agencies to adopt rules that require persons to pay certain fees or taxes.

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

SECTION 1. Subchapter A, Chapter 2001, Government Code, is amended by adding Section 2001.008 to read as follows:

Sec. 2001.008. LIMITATION ON ADOPTION OF RULES REQUIRING PAYMENT OF CERTAIN FEES OR TAXES. (a) Unless the authority has been explicitly granted to a state agency by the legislature, a state agency may not adopt a rule that requires a person to pay a fee or a tax if:

(1) the rule authorizes the imposition of a fee or a tax on an item, service, privilege, or transaction that, at the time the agency proposes to adopt the rule, is not subject to the fee or tax; and

(2) the agency has not previously interpreted the statutory or other authority under which the rule is proposed to be adopted to authorize the agency to impose the fee or tax on the applicable item, service, privilege, or transaction.

(b) For purposes of this section, a provision of law that contains a statement of legislative intent, findings, purpose, or policy, or a statement describing an agency's general powers and duties, is not an explicit grant of authority by the legislature.

SECTION 2. The change in law made by this Act applies only

1 to a proposed state agency rule for which notice is filed with the
2 secretary of state under Section [2001.023](#), Government Code, on or
3 after the effective date of this Act.

4 SECTION 3. This Act takes effect September 1, 2023.