

By: Christian, Miller, Homer, Eissler, Isett,
et al.

H.B. No. 426

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of state agency rules that impose certain costs on local governments or persons.

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

SECTION 1. Subchapter B, Chapter 2001, Government Code, is amended by adding Section 2001.041 to read as follows:

Sec. 2001.041. RULES IMPOSING COSTS ON LOCAL GOVERNMENTS OR PERSONS. (a) Except as provided by this section, a state agency may not adopt a rule for which notice given under Sections 2001.023 and 2001.024 includes:

(1) a fiscal note estimating additional costs to local governments as a result of enforcing or administering the rule; or

(2) a note stating probable economic costs to persons required to comply with the rule.

(b) A state agency may adopt a rule for which the notice estimating the costs described by Subsection (a) is given if:

(1) the legislature by law expressly authorizes the adoption of the rule with those costs; or

(2) adoption of the rule is required for compliance with a federal law or regulation and the state agency adopting the rule is authorized to interpret the meaning of the applicable federal law or regulation and to implement the federal law or regulation.

(c) A state agency adopting a rule as authorized by

1 Subsection (b)(2) may only adopt a rule that meets, but does not
2 exceed, the federal requirements.

3 (d) A state agency order finally adopting a rule for which
4 notice of the costs described by Subsection (a) is given must
5 include a reference to the law or regulation authorizing the
6 adoption of the rule with those costs.

7 (e) For the purposes of this section, the term "adoption of
8 a rule" includes the adoption of a revision of a rule.

9 SECTION 2. This Act takes effect September 1, 2003, and
10 applies only to a rule or a revision of a rule that is proposed by a
11 state agency and for which notice is given under Section 2001.023,
12 Government Code, on or after December 1, 2003.