

By: Deuell

S.B. No. 1766

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) Unless expressly authorized by the legislature in compliance with 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 the legislature by law expressly authorizes the adoption of the rule with those costs.

(c) A state agency order finally adopting a rule for which notice of the costs described by Subsection (a) is given must include a reference to the law authorizing the adoption of the rule with those costs.

SECTION 2. This Act takes effect September 1, 2003, and

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1 applies only to a rule proposed by a state agency for which notice  
2 is given under Section 2001.023, Government Code, on or after  
3 December 1, 2003.