

By: Elkins

H.B. No. 1850

A BILL TO BE ENTITLED

AN ACT

relating to requiring legislative approval of administrative rules.

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

SECTION 1. Section 2001.032(c), Government Code, is amended to read as follows:

(c) A proposed rule may not be adopted by a state agency until the standing committee of each house reviewing the rule approves the rule by [On the vote of] a majority vote of its members[, a standing committee may send to a state agency a statement supporting or opposing adoption of a proposed rule].
This subsection does not apply to an emergency rule adopted under Section 2001.034.

SECTION 2. Section 2001.033(a), Government Code, is amended to read as follows:

(a) A state agency order finally adopting a rule must include:

(1) a reasoned justification for the rule as adopted consisting solely of:

(A) a summary of comments received from parties interested in the rule that shows the names of interested groups or associations offering comment on the rule and whether they were for or against its adoption;

(B) a summary of the factual basis for the rule as

1 adopted which demonstrates a rational connection between the
2 factual basis for the rule and the rule as adopted; and

3 (C) the reasons why the agency disagrees with
4 party submissions and proposals;

5 (2) a concise restatement of the particular statutory
6 provisions under which the rule is adopted and of how the agency
7 interprets the provisions as authorizing or requiring the rule;
8 [~~and~~]

9 (3) a certification that the rule, as adopted, has
10 been reviewed by legal counsel and found to be a valid exercise of
11 the agency's legal authority; and

12 (4) a certification that the rule has been approved by
13 the legislature as provided by Section 2001.032(c).

14 SECTION 3. The change in law made by this Act applies only
15 to a proposed state agency rule for which notice of the rule as
16 proposed is first published in the Texas Register under Sections
17 2001.023 and 2001.024, Government Code, on or after the effective
18 date of this Act. Notice of a rule published before the effective
19 date of this Act is governed by the law in effect when the notice was
20 published, and the former law is continued in effect for that
21 purpose.

22 SECTION 4. This Act takes effect January 1, 2012, if the
23 constitutional amendment proposed by the 82nd Legislature, Regular
24 Session, 2011, adding Section 68, Article III, Texas Constitution,
25 and providing for legislative review of the process of rulemaking
26 by agencies in the executive department is approved by the voters.
27 If that amendment is not approved by the voters, this Act has no

1 effect.