

A BILL TO BE ENTITLED

AN ACT

relating to the review of certain rules of state agencies.

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

SECTION 1. Subchapter B, Chapter 2001, Government Code, is amended by adding Sections 2001.0321 and 2001.0401 to read as follows:

Sec. 2001.0321. FINANCIAL ANALYSIS. (a) In this section:

(1) "Board" means the Legislative Budget Board.

(2) "Interested party" means:

(A) a person subject to regulation under a proposed rule; or

(B) a nonprofit corporation whose members may be affected by a proposed rule.

(b) A state agency shall file, on the same day it files notice with the secretary of state as required by Section 2001.023, a copy of each proposed rule other than an emergency rule with the board and, if applicable, a copy of the statement required under Subsection (e).

(c) Except as provided by Subsection (e), the board shall perform a cost-benefit analysis of each proposed rule submitted to the board. The board shall submit the analysis:

(1) to the governor and to the legislature not later than the 180th day after the effective date of the proposed rule as provided by Section 2001.036; and

1 (2) to an interested party at least 30 days before
2 submitting the analysis to the governor and the legislature under
3 Subdivision (1).

4 (d) In performing the analysis under Subsection (c), the
5 board may use available statistical data to estimate the costs and
6 benefits of a proposed rule and shall consider any verifiable data
7 available that relates to the proposed rule, including data
8 submitted for the board's consideration by an interested party.

9 The board may not:

10 (1) disclose any material submitted by an interested
11 party to any person other than an employee of the board; and

12 (2) compel an interested party or any other person to
13 produce documents or other materials for the purpose of performing
14 the analysis required under this section.

15 (e) If a rule proposed by a state agency is a technical
16 amendment that does not substantively affect the rule it amends,
17 the state agency shall file a statement to that effect with the
18 proposed rule at the time the rule is submitted to the board for
19 consideration. The board:

20 (1) shall adopt criteria to determine when a rule is a
21 technical amendment that does not substantively affect the rule it
22 amends; and

23 (2) may not perform the analysis required under
24 Subsection (c) for a rule that meets the criteria developed under
25 Subdivision (1).

26 Sec. 2001.0401. REVIEW AND CONTINUATION OF EXISTING RULES.

27 (a) In this section:

1 (1) "Board" means the Legislative Budget Board.

2 (2) "Rule" means a rule for which notice was filed with
3 the secretary of state as required by Section 2001.023 and includes
4 an amendment to a rule.

5 (b) Not later than the 180th day after the date of the third
6 anniversary of a rule's effective date, the board shall file a
7 report on the financial effect of the rule with the governor and the
8 legislature.

9 (c) The report required under Subsection (b) must:

10 (1) cover a period beginning on the rule's effective
11 date and ending on the third anniversary of that date;

12 (2) include an analysis of the primary effect of the
13 rule, as appropriate, on:

14 (A) consumer protection;

15 (B) worker safety;

16 (C) the environment;

17 (D) the rate of employment in this state;

18 (E) the reliability of energy transmission in
19 this state; and

20 (F) the competitiveness of businesses in this
21 state;

22 (3) estimate any secondary effects of the rule on
23 Subdivisions (2)(A)-(F);

24 (4) determine:

25 (A) the cost savings, expressed in a dollar
26 amount, realized from adoption of the rule, if any; and

27 (B) the number of persons subject to the rule,

1 classified by industry sector; and

2 (5) compare the financial analysis of the rule
3 required under Section 2001.0321 to the analysis performed under
4 this section.

5 (d) The governor is authorized to and may by official action
6 rescind a rule if the report required under Subsection (b)
7 indicates that:

8 (1) the costs of the rule exceed any benefit provided
9 by the rule; or

10 (2) the rule had an adverse effect on employment in
11 this state during the period covered by the report.

12 SECTION 2. The change in law made by this Act applies only
13 to a proposed state agency rule or amendment to a rule for which
14 notice of the rule as proposed is first published in the Texas
15 Register under Section 2001.023, Government Code, on or after the
16 effective date of this Act. A rule or amendment to a rule for which
17 notice is published before the effective date of this Act is
18 governed by the law in effect when the notice was published, and the
19 former law is continued in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2013.