

By: Smithee

H.B. No. 3158

A BILL TO BE ENTITLED

AN ACT

relating to legislative approval of state agency rules that take effect during the two years preceding a regular legislative session.

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

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

Sec. 2001.0321. LEGISLATIVE APPROVAL; EXPIRATION OF UNAPPROVED RULE. (a) A state agency rule that takes effect during the two calendar years preceding January 1 of the month in which a regular session of the legislature convenes expires on the 90th day following final adjournment of that regular session unless the legislature passes a bill during the regular session or during a subsequent special session that:

(1) approves the rule; and

(2) becomes law on or before the day on which the rule expires.

(b) A state agency shall send to the presiding officer of each house of the legislature not later than November 1 of each even-numbered year a preliminary report that contains the name of the agency, the text of each agency rule that took effect or that has been adopted and that is subject to expiration under Subsection (a), and a copy of the agency's order that finally adopted the rule. The agency shall send to the presiding officer of each house of the

1 legislature not later than the first Monday after the date the
2 legislature convenes in regular session a final report that
3 contains the name of the agency, the text of each agency rule that
4 is subject to expiration under Subsection (a), and a copy of the
5 agency's order that finally adopted the rule.

6 (c) If a rule that expires under Subsection (a) amended or
7 repealed a prior rule, the text of the prior rule is revived as the
8 state agency's rule effective on the date that the unapproved rule
9 expires, to the extent that the text of the prior rule is still
10 consistent with the agency's rulemaking authority under law.

11 SECTION 2. This Act applies only to a state agency rule
12 that takes effect on or after January 1, 2015.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2015.