

By: Roberts, Button, Parker, Kacal, et al.

H.B. No. 1290

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the required repeal of a state agency rule before  
3 adoption of a new state agency rule.

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

5 SECTION 1. Subchapter A, Chapter 2001, Government Code, is  
6 amended by adding Section 2001.0045 to read as follows:

7 Sec. 2001.0045. REQUIREMENT FOR NEW RULE. (a) In this  
8 section, "state agency" has the meaning assigned by Section  
9 2001.006.

10 (b) Except as provided by Subsection (h), a state agency may  
11 not adopt a proposed rule unless on or before the effective date of  
12 the proposed rule the state agency repeals at least one state agency  
13 rule.

14 (c) Before a proposed rule subject to this section is first  
15 published or adopted, a state agency must prepare for the proposed  
16 rule a proposed rule reduction statement.

17 (d) The proposed rule reduction statement must:

18 (1) describe the rule proposed to be added and the rule  
19 proposed to be repealed;

20 (2) reasonably describe, with respect to the first  
21 five years the proposed rule would be in effect, whether:

22 (A) the proposed rule creates or eliminates a  
23 governmental program;

24 (B) implementation of the proposed rule requires

1 the creation of additional employee positions or the elimination of  
2 existing employee positions;

3 (C) implementation of the proposed rule requires  
4 an increase or decrease in future legislative appropriations to the  
5 state agency;

6 (D) the proposed rule requires an increase or  
7 decrease in fees paid to the state agency;

8 (E) the proposed rule expands, limits, or repeals  
9 another existing rule;

10 (F) the proposed rule increases or decreases the  
11 number of individuals subject to the rule's applicability; and

12 (G) the proposed rule positively or adversely  
13 affects this state's economy; and

14 (3) to the extent applicable, reasonably describe,  
15 with respect to the repealed rule, the information required under  
16 Subdivision (2).

17 (e) The comptroller shall adopt rules necessary to  
18 implement this section. The rules must require that the statement  
19 required under Subsection (d) be in plain language. The  
20 comptroller may prescribe a chart for use by a state agency in  
21 disclosing the information required under that subsection.

22 (f) A state agency's failure to comply with the requirements  
23 of Subsection (d) does not affect the legal status of a rule adopted  
24 under this chapter.

25 (g) This section applies to the adoption of an emergency  
26 rule.

27 (h) This section does not apply to the adoption of a rule:

- 1           (1) specifically required by the legislature;  
2           (2) necessary to protect the health and safety of the  
3 residents of this state as authorized under the Health and Safety  
4 Code; or  
5           (3) related to the essential knowledge and skills  
6 developed under Subchapter A, Chapter 28, Education Code, or high  
7 school graduation requirements adopted under Section 28.025,  
8 Education Code.

9           SECTION 2. Not later than October 1, 2017, the comptroller  
10 shall adopt the rules required under Section 2001.0045, Government  
11 Code, as added by this Act.

12           SECTION 3. Section 2001.0045, Government Code, as added by  
13 this Act, applies only to a rule proposed by a state agency on or  
14 after November 1, 2017. A rule proposed by a state agency before  
15 that date is governed by the law in effect immediately before the  
16 effective date of this Act, and the former law is continued in  
17 effect for that purpose.

18           SECTION 4. This Act takes effect September 1, 2017.