

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

H.B. No. 1290

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(1) specifically required by the legislature; or

(2) necessary to protect the health and safety of the residents of this state as authorized under the Health and Safety Code.

SECTION 2. Section 2001.0045, Government Code, as added by this Act, applies only to a rule proposed by a state agency on or after the effective date of this Act. A rule proposed before that date is governed by the law in effect on the date the rule was proposed, and the former law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2017.