

By: Roberts, Elkins, Parker, Capriglione,  
Minjarez

H.B. No. 2926

Substitute the following for H.B. No. 2926:

By: Paddie

C.S.H.B. No. 2926

A BILL TO BE ENTITLED

AN ACT

relating to legislative review and approval of state agency rules.

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

SECTION 1. This Act may be cited as the Texas Legislative Review Act of 2017.

SECTION 2. Subchapter B, Chapter 2001, Government Code, is amended by adding Section 2001.0361 to read as follows:

Sec. 2001.0361. LEGISLATIVE APPROVAL OF RULES. (a) A state agency shall file, on the same day it files a rule with the secretary of state under Section 2001.036, a copy of each rule, other than an emergency rule, with the officer or employee with whom bills are filed in each house of the legislature. After filing, the rule shall be referred to a standing committee in the same manner as bills are referred, unless a house by rule provides for another manner of referral of agency rules. Each rule must be referred to a standing committee before the 10th day after the date the rule is filed with the appropriate officer or employee of each house.

(b) Not later than the 30th day after the date a rule is referred to a committee, the committee may elect to consider the rule at a committee meeting and vote on the question of whether to suspend the rule. A rule may be suspended only if at least two-thirds of the full membership of both committees to which the rule is referred vote to suspend the rule. If either committee elects not to consider the rule within the period of time provided

1 by this subsection or does not vote to suspend the rule, the rule is  
2 considered approved and, subject to Section 2001.036, may take  
3 effect. If a rule is suspended under this subsection, the  
4 committees shall, not later than the third day after the date the  
5 rule is suspended:

6 (1) notify the state agency that adopted the rule of  
7 the suspension; and

8 (2) file notice of the suspension with the secretary  
9 of state for publication in the Texas Register.

10 (c) If a rule is suspended under Subsection (b) when the  
11 legislature is in session, the chair of each committee shall give  
12 written notice of the suspension to the presiding officer of the  
13 appropriate house not later than the fifth day after the date the  
14 rule is suspended. Not later than the 35th day after the date the  
15 rule is suspended in committee, the members of that house shall vote  
16 on the question of whether to uphold the committee's suspension of  
17 the rule. Unless a majority of the members of each house vote to  
18 uphold the committees' suspension, the suspension terminates and,  
19 subject to Section 2001.036, the rule may take effect.

20 (d) If a rule is suspended under Subsection (b) when the  
21 legislature is not in session, the secretary of state shall give  
22 written notice of the suspension to the presiding officer of each  
23 house during the first 10 days of the next regular legislative  
24 session. Not later than the 30th day after the date the notice is  
25 given, the members of each house shall vote on the question of  
26 whether to uphold the committee's suspension of the rule. Unless a  
27 majority of the members of each house vote to uphold the committees'

1 suspension, the suspension terminates and, subject to Section  
2 2001.036, the rule may take effect.

3 (e) Not later than the third day after the date a suspension  
4 is terminated under Subsection (c) or (d), the presiding officer of  
5 each house shall:

6 (1) notify the state agency that adopted the rule of  
7 the suspension's termination; and

8 (2) file notice of the termination with the secretary  
9 of state for publication in the Texas Register.

10 (f) Notwithstanding Section 2001.036, a rule adopted by a  
11 state agency that is suspended in both committees to which the rule  
12 is referred under Subsection (b) may not take effect unless either  
13 house of the legislature does not vote to uphold the committees'  
14 suspension under Subsection (c) or (d).

15 (g) During the time a rule is suspended under this section,  
16 the state agency that adopted the rule may not enforce a substantive  
17 provision of the suspended rule or adopt a rule or emergency rule  
18 containing the substance of the suspended rule.

19 SECTION 3. Section 2001.0361, Government Code, as added by  
20 this Act, applies only to a proposed state agency rule for which  
21 notice of the rule as proposed is first published in the Texas  
22 Register under Section 2001.023, Government Code, on or after the  
23 effective date of this Act. A rule for which notice is published  
24 before the effective date of this Act is governed by the law in  
25 effect when the notice was published, and the former law is  
26 continued in effect for that purpose.

27 SECTION 4. This Act takes effect January 1, 2018, but only

1 if the constitutional amendment proposed by the 85th Legislature,  
2 Regular Session, 2017, authorizing the legislature to provide for  
3 legislative review or approval of state agency rules is approved by  
4 the voters. If that proposed constitutional amendment is not  
5 approved by the voters, this Act has no effect.