

By: Kolkhorst

S.B. No. 210

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the required repeal or amendment of two state agency
3 rules before adoption of a new state agency rule that increases
4 costs to regulated persons.

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

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

8 Sec. 2001.0045. REQUIREMENT FOR RULE INCREASING COSTS TO
9 REGULATED PERSONS. (a) In this section, "state agency" has the
10 meaning assigned by Section 2001.006.

11 (b) Except as provided by Subsection (c), a state agency may
12 not adopt a proposed rule that imposes a cost on any regulated
13 person, including another state agency, a special district, and a
14 local government, unless:

15 (1) on or before the effective date of the proposed
16 rule the state agency:

17 (A) repeals two state agency rules that impose
18 total costs on the person in an amount equal to or greater than the
19 cost imposed on the person by the proposed rule;

20 (B) amends two state agency rules to decrease the
21 total costs imposed on the person by an amount equal to or greater
22 than the cost imposed on the person by the proposed rule; or

23 (C) repeals one state agency rule and amends one
24 state agency rule to decrease the total costs imposed on the person

1 by an amount equal to or less than the proposed rule; and

2 (2) the comptroller certifies in writing that the
3 proposed rule meets the requirements of Subdivision (1).

4 (c) This section does not apply to a rule that:

5 (1) relates to state agency procurement; or

6 (2) is amended to:

7 (A) reduce the burden or responsibilities
8 imposed on a regulated person by the rule; or

9 (B) decrease the person's cost for compliance
10 with the rule.

11 (d) Each state agency that adopts a rule subject to this
12 section shall comply with the requirements imposed by Subchapter B
13 and Chapter 2002 for publication in the Texas Register and include
14 with the publication a copy of the certification required by
15 Subsection (b)(2).

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

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