

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION
Revision 1

May 22, 2017

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Administration

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1290 by Roberts (Relating to the required repeal of a state agency rule before adoption of a new state agency rule.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend Chapter 2001 of the Government Code to restrict a state agency from adopting a proposed rule unless on or before the effective date of the proposed rule, the state agency repeals at least one state agency rule. The bill would require a state agency to prepare a proposed rule reduction statement relating to the effect of the proposed rule and repeal of the existing rule. The bill would specify information to be included in the statements. The bill would require the Comptroller of Public Accounts to adopt rules relating to the statements not later than October 1, 2017.

The provisions of the bill would apply to a "state agency" as defined by Section 2001.006 of the Government Code. The provisions would not apply to the adoption of a rule specifically required by the legislature; a rule necessary to protect the health and safety of the residents of this state as authorized under the Health and Safety Code; or rules related to the essential knowledge and skills developed under Subchapter A, Chapter 28, Education Code, or high school graduation requirements adopted under Section 28.025, Education Code.

This analysis assumes that any additional work resulting from implementation of the bill could be absorbed within state agencies' existing resources.

To the extent that the bill only addresses rulemaking procedure rather than modify, add, or abolish a tax or fee, the bill would not have a direct revenue implication. However, the Comptroller indicates that the requirements of the bill could delay implementation of other legislative changes and reduce guidance to taxpayers regarding new and existing law, and may therefore result in delayed or reduced revenue collections.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 307 Secretary of State, 360 State Office of Administrative Hearings, 405 Department of Public Safety, 451 Department of Banking, 452 Department of Licensing and Regulation, 458 Alcoholic Beverage Commission, 503 Texas Medical Board, 537 State Health Services, Department of, 551 Department of Agriculture, 582 Commission on Environmental Quality, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 781 Higher Education Coordinating Board

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