

**House Bill 1290**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 (h), 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.

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

Sec. 2001.0045. REQUIREMENT FOR RULE INCREASING COSTS TO REGULATED PERSONS. (a) In this section, "state agency" means a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government. This term does not include an agency under the authority of an elected officer of the state.

(b) Except as provided by Subsection (c), a state agency may not adopt a proposed rule for which the fiscal note for the notice required by Section 2001.024 states that the rule imposes a cost on any regulated person, including another state agency, a special district, and a local government, unless on or before the effective date of the proposed rule the state agency on or before the effective date of the proposed rule the agency:

(1) repeals a rule that imposes a cost on the person that is equal to or greater than the cost imposed on the person by the proposed rule; or

(2) amends a rule to decrease the costs imposed on the person by an amount that is equal to or greater than the cost imposed on the person by the proposed rule; and

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

(1) relates to state agency procurement;

(2) is amended to:

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

(B) decrease the person's cost for compliance with the rule;

(3) is adopted in response to a natural disaster;

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(4) is adopted by the Department of Family and Protective Services;

(5) is necessary to receive a source of federal funds or to comply to with federal law; or

(6) is necessary to protect water resources of this state as authorized by the Water Code.

(7) is adopted by the Department of Motor Vehicles; or

(8) is adopted by a self-directed semi-independent agency.

[FA1(1), FA2, FA3]

(d) Each state agency that adopts a rule subject to this section shall comply with the requirements imposed by Subchapter B and Chapter 2002 for publication in the Texas Register.

[FA1(1)]

SECTION \_\_. Subchapter B, Chapter 2001, Government Code, is amended by adding Section 2001.0221 to read as follows:

Sec. 2001.0221. GOVERNMENT GROWTH IMPACT STATEMENTS.

(a) A state agency shall prepare a government growth impact statement for a proposed rule.

(b) A state agency shall reasonably describe in the government growth impact statement whether, during the first five years that the rule will be in effect:

(1) the rule creates or eliminates a government program;

(2) implementation of the rule requires the creation of new

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

(d) The proposed rule reduction statement must:

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

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

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

(B) implementation of the proposed rule requires the creation

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of additional employee positions or the elimination of existing employee positions;

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

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

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

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

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

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

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

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

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

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

(1) specifically required by the legislature;

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

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employee positions or the elimination of existing employee positions;

(3) implementation of the rule requires an increase or decrease in future legislative appropriations to the agency;

(4) the rule requires an increase or decrease in fees paid to the agency;

(5) the rule creates a new regulation;

(6) the rule expands, limits, or repeals an existing regulation;

(7) the rule increases or decreases the number of individuals subject to the rule's applicability; and

(8) the rule positively or adversely affects the state's economy.

(c) The comptroller shall adopt rules to implement this section. The rules must require that the government growth impact statement be in plain language. The comptroller may prescribe the use of a chart that a state agency may use to disclose the items required under Subsection (b).

(d) Each state agency shall incorporate the impact statement into the notice required by Section 2001.024.

(e) This section applies to the adoption of an emergency rule.

(f) Failure to comply with this section does not impair the legal effect of a rule adopted under this chapter. [FA1(2)]

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or

(3) 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.

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

No equivalent provision.

No equivalent provision.

No equivalent provision.

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

SECTION \_\_. Not later than October 1, 2017, the comptroller of public accounts shall adopt rules under Section 2001.0221(c), Government Code, as added by this Act. [FA1(2)]

SECTION \_\_. Section 2001.0221, Government Code, as added by this Act, applies only to a proposed rule for which the notice required under Section 2001.023(b), Government Code, is filed on or after November 1, 2017. [FA1(2)]

SECTION \_\_. 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. [FA1(2)]

Same as House version. SECTION 2. [Deleted by FA1(3)]

SECTION 3. Same as House version.

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

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SECTION 4. Same as House version.

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