

BILL ANALYSIS

Senate Research Center
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S.B. 938
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1290 (85R) added Section 2001.0045 to the Government Code. The section prohibited state agencies from adopting a proposed rule with a fiscal note until it repealed at least one existing rule that decreases costs in an amount equal or greater than the cost imposed by the proposed rule on or before the effective date of the new proposed rule.

H.B. 1290 added some necessary exemptions to the section. Any agency under the authority of an elected officer of this state is not included under the requirement. Any rules related to the following are also exempted: agency procurement, rules in response to natural disasters, rules necessary to comply with federal law, protection of water resources, protection of the health, safety, and welfare of Texans, etc. The bill also exempts the following agencies: Department of Family and Protective Services, Department of Motor Vehicles, Public Utility Commission, Texas Commission on Environmental Quality, or Texas Racing Commission.

S.B. 938 amends H.B. 1290 by adding Texas Parks and Wildlife Department (TPWD) to the list of exempted agencies. Without an exemption from Section 2001.0045, Government Code, TPWD is unable to charge or increase a fee for new or established programs in situations in which it is necessary to impose some costs to the regulated community so that damage to various resources can be avoided. An exemption would allow TPWD to better fulfill this mission and protect the interests of all those who depend on these public resources.

In addition, TPWD pays for its conservation law enforcement, public safety, search and rescue, border security, and disaster response activities partially from Fund 9. This fund receives its money from various fees, including those from boat registration and titling, various commercial licenses and permits, and hunting and fishing licenses. Over time, costs of law enforcement salaries and needed equipment are likely to rise. S.B. 938 would enable TPWD to add to Fund 9 so that conservation law enforcement, public safety, search and rescue, border security, and disaster response are adequately funded.

TPWD has a history of trustworthy financial stewardship and an incentive to keep fees low for its parks, hunters, and licenses. In statute, there already numerous checks binding TPWD to remain financially stable. Under Section 2001.032, Government Code, TPWD is subject to legislative review, requiring TPWD to submit proposed rules to standing committees of the legislature for final review. Prior to this legislative review, the Office of the Governor has already requested all agencies submit rules for a preliminary inspection.

As proposed, S.B. 938 amends current law relating to the applicability of the requirements relating to the adoption of a new state agency rule by the Parks and Wildlife Department.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2001.0045(c), Government Code, to add a rule adopted by the Parks and Wildlife Department to a list of rules to which this section (Requirement of Rule Increasing Costs to Regulated Persons) does not apply and to make nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.