

By: Toth

H.B. No. 4585

A BILL TO BE ENTITLED

AN ACT

relating to legislative review of certain state agency rules.

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

SECTION 1. Subchapter B, Chapter 2001, Government Code, is amended by adding Section 2001.0321 to read as follows:

Sec. 2001.0321. LEGISLATIVE REVIEW OF CERTAIN PROPOSED RULES. (a) This section applies only to a rule proposed by a state agency that:

(1) if implemented by the agency would result in the imposition of a civil or criminal penalty, including a penalty consisting only of a fine, on a person who violates the rule; and

(2) is not an emergency rule.

(b) A state agency shall file, on the same day it files notice with the secretary of state as required by Section 2001.023, a copy of each proposed rule with the officer or employee with whom bills are filed in each house of the legislature. After filing, the proposed 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 proposed 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.

(c) After a proposed rule is referred to a committee, a member of the legislature may request in writing that a committee to

1 which a proposed rule has been referred consider the rule at a
2 committee meeting. A committee shall consider any proposed rule
3 that is the subject of a written request at a committee meeting held
4 not later than the 30th day after the date on which the request is
5 made. If a written request of a member relating to a proposed rule
6 is not filed with the committee on or before the 30th day after the
7 date the rule is referred to the committee, the committee and the
8 house of which the committee is a part may not suspend the rule
9 under this section.

10 (d) After consideration at a committee meeting, a committee
11 may suspend a proposed rule by a majority vote of the committee's
12 full membership. If a proposed rule is suspended in committee, the
13 committee shall, not later than the third day after the date the
14 rule is suspended:

15 (1) notify the state agency that proposed the rule of
16 the suspension; and

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

19 (e) If a proposed rule is suspended in committee when the
20 legislature is in session, the chair of the committee shall give
21 written notice of the suspension to the presiding officer of the
22 appropriate house not later than the fifth day after the date the
23 rule is suspended. Not later than the 35th day after the date the
24 proposed rule is suspended in committee, the members of that house
25 shall vote on the rule. If a majority of members of that house vote
26 to approve the proposed rule, the rule is approved and the
27 committee's suspension terminates. If a majority of members of

1 that house do not vote to approve the proposed rule, the committee's
2 suspension remains in effect.

3 (f) If a proposed rule is suspended in committee when the
4 legislature is not in session, the secretary of state shall give
5 written notice of the suspension to the presiding officer of the
6 appropriate house during the first 10 days of the next regular
7 legislative session. Not later than the 30th day after the date the
8 notice is given, the members of that house shall vote on the
9 proposed rule. If a majority of members of that house vote to
10 approve the proposed rule, the rule is approved and the committee's
11 suspension terminates. If a majority of members of that house do
12 not vote to approve the proposed rule, the committee's suspension
13 remains in effect.

14 (g) Not later than the third day after the date a suspension
15 is terminated under Subsection (e) or (f), the presiding officer of
16 the appropriate house shall:

17 (1) notify the state agency that proposed the rule of
18 the suspension's termination; and

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

21 (h) During the time a proposed rule is suspended under this
22 section, the state agency that proposed the rule may not adopt an
23 emergency rule containing the substance of the suspended rule.

24 SECTION 2. Section 2001.0321, Government Code, as added by
25 this Act, applies only to a proposed state agency rule to which that
26 section applies and for which notice of the rule as proposed is
27 first published in the Texas Register under Section [2001.023](#),

1 Government Code, on or after the effective date of this Act. A rule
2 to which Section 2001.0321, Government Code, as added by this Act,
3 applies and for which notice is published before the effective date
4 of this Act is governed by the law in effect when the notice was
5 published, and the former law is continued in effect for that
6 purpose.

7 SECTION 3. This Act takes effect January 1, 2020, but only
8 if the constitutional amendment proposed by the 86th Legislature,
9 Regular Session, 2019, authorizing the legislature to provide for
10 legislative review or approval of state agency rules is approved by
11 the voters. If that proposed constitutional amendment is not
12 approved by the voters, this Act has no effect.