

## **BILL ANALYSIS**

Senate Research Center

H.B. 1322  
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Business & Commerce  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Despite its potential for significant impact on the public, the agency rulemaking process is largely opaque. Rules, for example, generally are promulgated in language that is difficult for laypersons to understand, especially persons with limited English proficiency. This issue was compounded during the COVID-19 pandemic, as state agencies rapidly issued rules attempting to address the pandemic that greatly impacted the operations of small businesses statewide. Accordingly, H.B. 1322 would require a state agency's notice of a proposed rule to include a brief, plain-language (in English and Spanish) explanation of the proposed rule and, if applicable, the bill number of the legislation that enacted the statutory authority under which the rule was proposed. Such changes would greatly enhance the transparency of the rulemaking process for the public, especially during emergency situations.

H.B. 1322 amends current law relating to a summary of a rule proposed by a state agency.

### **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 2001.023, Government Code, by adding Subsection (c), to require a state agency, at the time a state agency files notice of a proposed rule under Subsection (b), to publish on the agency's Internet website the brief explanation of the proposed rule required under Section 2001.024(a)(1).

SECTION 2. Amends Section 2001.024, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires that the notice of a proposed rule include:

- (1) a brief explanation of the proposed rule written in plain language in both English and Spanish, for state websites that already provide the translation rather than a brief explanation of the proposed rule;
- (2) make no changes to this subdivision;
- (3) a statement of the statutory or other authority under which the rule is proposed to be adopted, including, if applicable, the bill number for the legislation that enacted the statutory authority under which the rule is proposed to be adopted;
- (4) - (8) makes no changes to these subdivisions.

Makes a nonsubstantive change.

(a-1) Provides that for purposes of Subsection (a)(1), an explanation is written in plain language if it is concise and well organized in a way that the general public, including individuals with limited English proficiency, can readily understand.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.