87R1627 YDB-D

By:  Tinderholt H.B. No. 3785

A BILL TO BE ENTITLED

AN ACT

relating to the governor's authority to suspend regulatory statutes, orders, and rules during a declared state of disaster.

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

SECTION 1.  Section 418.004, Government Code, is amended by adding Subdivisions (11-a) and (11-b) to read as follows:

(11-a)  "Regulatory order or rule" means an order or rule that:

(A)  prescribes procedures for conducting state business; and

(B)  is issued or adopted by a state agency in the executive branch of state government with authority to regulate persons engaged in an activity or occupation.

(11-b)  "Regulatory statute" means a statute prescribing the procedures for conducting state business for a state agency in the executive branch of state government with authority to regulate persons engaged in an activity or occupation.

SECTION 2.  Section 418.012, Government Code, is amended to read as follows:

Sec. 418.012.  EXECUTIVE ORDERS. Under this chapter, the governor may, subject to Section 418.016(a), issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law.

SECTION 3.  Section 418.016(a), Government Code, is amended to read as follows:

(a)  The governor may not suspend a provision of a state statute or a state agency order or rule except as specifically authorized by this chapter. The governor may suspend the provisions of any regulatory statute [~~prescribing the procedures for conduct of state business~~] or the regulatory orders or rules of a state agency if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster.

SECTION 4.  Section 418.025(a), Government Code, is amended to read as follows:

(a)  If the governor determines that a disaster can be adequately addressed without invoking all the powers and duties provided by this subchapter, the governor may, by proclamation or executive order, issue a limited purpose disaster declaration invoking only the authority provided by Section [~~Sections~~] 418.016(a) [~~and (e)~~].

SECTION 5.  Sections 418.016(e) and 418.019, Government Code, are repealed.

SECTION 6.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.