

By: Swanson

H.B. No. 70

A BILL TO BE ENTITLED

AN ACT

relating to legislative review and approval 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 APPROVAL OF CERTAIN PROPOSED RULES REQUIRED. (a) This section applies only to a rule proposed by a state agency:

(1) the implementation and administration of which is anticipated to have an economic impact of \$20 million or more, as determined by the agency; and

(2) that 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) Not later than the 30th day after the date a proposed

1 rule is referred to a committee, the committee shall consider the  
2 rule at a committee meeting and vote on the rule. A proposed rule is  
3 approved by the unanimous vote of the committee's full membership.  
4 If the committee does not approve a proposed rule by unanimous vote  
5 of the committee's full membership, the rule is suspended. If a  
6 proposed rule is suspended in committee, the committee shall, not  
7 later than the third day after the date the rule is suspended:

8 (1) notify the state agency that proposed the rule of  
9 the suspension; and

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

12 (d) If a proposed rule is suspended in committee when the  
13 legislature is in session, the chair of the committee shall give  
14 written notice of the suspension to the presiding officer of the  
15 appropriate house not later than the fifth day after the date the  
16 rule is suspended. Not later than the 35th day after the date the  
17 proposed rule is suspended in committee, the members of that house  
18 shall vote on the rule. If a majority of members of that house vote  
19 to approve the proposed rule, the rule is approved and the  
20 committee's suspension terminates. If a majority of members of  
21 that house do not vote to approve the proposed rule, the committee's  
22 suspension remains in effect.

23 (e) If a proposed rule is suspended in committee when the  
24 legislature is not in session, the secretary of state shall give  
25 written notice of the suspension to the presiding officer of the  
26 appropriate house during the first 10 days of the next regular  
27 legislative session. Not later than the 30th day after the date the

1 notice is given, the members of that house shall vote on the  
2 proposed rule. If a majority of members of that house vote to  
3 approve the proposed rule, the rule is approved and the committee's  
4 suspension terminates. If a majority of members of that house do  
5 not vote to approve the proposed rule, the committee's suspension  
6 remains in effect.

7 (f) Not later than the third day after the date a suspension  
8 is terminated under Subsection (d) or (e), the presiding officer of  
9 the appropriate house shall:

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

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

14 (g) A state agency may adopt a proposed rule only if the  
15 rule:

16 (1) is approved by both committees to which it is  
17 referred as provided by Subsection (c);

18 (2) was suspended in committee in only one house of the  
19 legislature, and that house later votes to approve the rule; or

20 (3) was suspended in committee in both houses of the  
21 legislature, and both houses later vote to approve the rule.

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

26 SECTION 2. Section 2001.0321, Government Code, as added by  
27 this Act, applies only to a proposed state agency rule to which that

1 section applies and for which notice of the rule as proposed is  
2 first published in the Texas Register under Section 2001.023,  
3 Government Code, on or after the effective date of this Act. A rule  
4 to which Section 2001.0321, Government Code, as added by this Act,  
5 applies and for which notice is published before the effective date  
6 of this Act is governed by the law in effect when the notice was  
7 published, and the former law is continued in effect for that  
8 purpose.

9 SECTION 3. This Act takes effect January 1, 2022, but only  
10 if the constitutional amendment proposed by the 87th Legislature,  
11 Regular Session, 2021, authorizing the legislature to provide for  
12 legislative review or approval of state agency rules is approved by  
13 the voters. If that proposed constitutional amendment is not  
14 approved by the voters, this Act has no effect.