

By: Tinderholt

H.B. No. 3785

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

7 (11-a) "Regulatory order or rule" means an order or  
8 rule that:

9 (A) prescribes procedures for conducting state  
10 business; and

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

14 (11-b) "Regulatory statute" means a statute  
15 prescribing the procedures for conducting state business for a  
16 state agency in the executive branch of state government with  
17 authority to regulate persons engaged in an activity or occupation.

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

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

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

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

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

13 (a) If the governor determines that a disaster can be  
14 adequately addressed without invoking all the powers and duties  
15 provided by this subchapter, the governor may, by proclamation or  
16 executive order, issue a limited purpose disaster declaration  
17 invoking only the authority provided by Section [~~Sections~~]  
18 418.016(a) [~~and (e)~~].

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20 Code, are repealed.

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