

SENATE AMENDMENTS

2nd Printing

By: Shaheen, Ellzey, Jetton, Crockett,
Ordaz Perez

H.B. No. 1322

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a summary of a rule proposed by a state agency.

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

4 SECTION 1. Section 2001.023, Government Code, is amended by
5 adding Subsection (c) to read as follows:

6 (c) At the time a state agency files notice of a proposed
7 rule under Subsection (b), the agency shall publish on the agency's
8 Internet website the brief explanation of the proposed rule
9 required under Section 2001.024(a)(1).

10 SECTION 2. Section 2001.024, Government Code, is amended by
11 amending Subsection (a) and adding Subsection (a-1) to read as
12 follows:

13 (a) The notice of a proposed rule must include:

14 (1) a brief explanation of the proposed rule written
15 in plain language in both English and Spanish, for state websites
16 that already provide the translation;

17 (2) the text of the proposed rule, except any portion
18 omitted under Section 2002.014, prepared in a manner to indicate
19 any words to be added or deleted from the current text;

20 (3) a statement of the statutory or other authority
21 under which the rule is proposed to be adopted, including:

22 (A) a concise explanation of the particular
23 statutory or other provisions under which the rule is proposed;

24 (B) the section or article of the code affected;

1 [~~and~~]

2 (C) if applicable, the bill number for the
3 legislation that enacted the statutory authority under which the
4 rule is proposed to be adopted; and

5 (D) a certification that the proposed rule has
6 been reviewed by legal counsel and found to be within the state
7 agency's authority to adopt;

8 (4) a fiscal note showing the name and title of the
9 officer or employee responsible for preparing or approving the note
10 and stating for each year of the first five years that the rule will
11 be in effect:

12 (A) the additional estimated cost to the state
13 and to local governments expected as a result of enforcing or
14 administering the rule;

15 (B) the estimated reductions in costs to the
16 state and to local governments as a result of enforcing or
17 administering the rule;

18 (C) the estimated loss or increase in revenue to
19 the state or to local governments as a result of enforcing or
20 administering the rule; and

21 (D) if applicable, that enforcing or
22 administering the rule does not have foreseeable implications
23 relating to cost or revenues of the state or local governments;

24 (5) a note about public benefits and costs showing the
25 name and title of the officer or employee responsible for preparing
26 or approving the note and stating for each year of the first five
27 years that the rule will be in effect:

1 (A) the public benefits expected as a result of
2 adoption of the proposed rule; and

3 (B) the probable economic cost to persons
4 required to comply with the rule;

5 (6) the local employment impact statement prepared
6 under Section 2001.022, if required;

7 (7) a request for comments on the proposed rule from
8 any interested person; and

9 (8) any other statement required by law.

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

14 SECTION 3. The change in law made by this Act applies only
15 to a proposed state agency rule for which notice is filed with the
16 secretary of state under Section 2001.023, Government Code, on or
17 after the effective date of this Act.

18 SECTION 4. This Act takes effect September 1, 2021.

ADOPTED

MAY 13 2021

Latey Law
Secretary of the Senate

By: Zaffirini

H.B. No. 1322

Substitute the following for __.B. No. _____:

By: Kelly Harwood

C.S.H.B. No. 1322

A BILL TO BE ENTITLED

AN ACT

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2 relating to a summary of a rule proposed by a state agency.

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

4 SECTION 1. Section 2001.023, Government Code, is amended by
5 adding Subsections (c) and (d) to read as follows:

6 (c) At the time a state agency files notice of a proposed
7 rule under Subsection (b), the agency shall publish on the agency's
8 Internet website a summary of the proposed rule written in plain
9 language in both English and Spanish in accordance with Section
10 2054.116.

11 (d) For purposes of Subsection (c), a summary is written in
12 plain language if it uses language the general public, including
13 individuals with limited English proficiency, can readily
14 understand because the language is concise and well-organized.

15 SECTION 2. The change in law made by this Act applies only
16 to a proposed state agency rule for which notice is filed with the
17 secretary of state under Section 2001.023, Government Code, on or
18 after the effective date of this Act.

19 SECTION 3. This Act takes effect September 1, 2021.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 13, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1322 by Shaheen (Relating to a summary of a rule proposed by a state agency.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with implementing the provisions of the bill relating to a summary of a rule proposed by a state agency could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 313 Department of Information Resources, 327 Employees Retirement System, 452 Dept of License & Reg, 455 Railroad Commission, 475 Office of Public Utility Counsel, 529 Hlth & Human Svcs Comm, 582 Commission on Environmental Quality, 601 Department of Transportation, 701 Texas Education Agency

LBB Staff: JMc, LBO, SZ, BRI, SMAT, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 6, 2021

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1322 by Shaheen (relating to a summary of a rule proposed by a state agency.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with implementing the provisions of the bill relating to a summary of a rule proposed by a state agency could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 313 Department of Information Resources, 327 Employees Retirement System, 452 Dept of License & Reg, 455 Railroad Commission, 475 Office of Public Utility Counsel, 529 Hlth & Human Svcs Comm, 582 Commission on Environmental Quality, 601 Department of Transportation, 701 Texas Education Agency

LBB Staff: JMc, SZ, BRI, SMAT, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 1, 2021

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1322 by Shaheen (Relating to a summary of a rule proposed by a state agency.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with implementing the provisions of the bill relating to a summary of a rule proposed by a state agency could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

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LBB Staff: JMc, SZ, BRI, SMAT, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 10, 2021

TO: Honorable Chris Paddie, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1322 by Shaheen (Relating to a summary of a rule proposed by a state agency.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that the costs associated with implementing the provisions of the bill relating to a summary of a rule proposed by a state agency could be absorbed using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

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LBB Staff: JMc, SMat, SD, BRi