

BILL ANALYSIS

Senate Research Center
88R2510 YDB-D

S.B. 1320
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the Texas Government Code, state agency regulations are required to be reviewed every four years. However, there are no consequences if a regulation is not reviewed, and even if the regulation is reviewed, there is no requirement that the costs on regulated persons be considered in the review. State agency regulations create burdens and impose costs on millions of Texans and carry the force and effect of law. Retrospective review of the costs and benefits of state regulations promotes transparency, good government, and ensures that agencies do not continue to impose outdated rules that impose unneeded costs on regulated persons and entities in Texas.

S.B. 1320 provides that regulations that are not reviewed every four years, as per current law, be made void and unenforceable. It also adds to the current regulatory review requirement the cost imposed on regulated persons and makes the reviews more transparent by requiring the state agency to post on its website the review and data, working papers, and other materials the agency used to complete the assessment.

Key Provisions

- Provides that agency rules that are not reviewed, as required by current law, be deemed void and unenforceable.
- Adds the cost imposed on regulated persons to the list of items required to be included in current regulatory reviews.
- Requires state agencies to "show their work" on their website and include data, working papers, and other materials the agency used to complete the review.

As proposed, S.B. 1320 amends current law relating to state agency review of adopted rules.

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 2001.039, Government Code, by amending Subsection (e) and adding Subsections (f), (g), and (h), as follows:

(e) Requires that a state agency's review of a rule include an assessment of:

(1) creates this subdivision from existing text; and

(2) any cost imposed on regulated persons that subjects the rule to Section 2001.0045 (Requirement for Rule Increasing Costs to Regulated Persons).

(f) Requires a state agency to publish on the agency's Internet website each assessment the agency conducts under Subsection (e)(2) and include a link on the website to the data, working papers, and other materials the agency used to complete the assessment.

(g) Provides that a rule, if a state agency fails to complete the rule review in accordance with Section 2001.039 (Agency Review of Existing Rules) by the date required under Subsection (b) (relating to requiring a state agency to review a rule not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date), expires on the day following the date required under that subsection and is considered void and unenforceable.

(h) Authorizes any person potentially injured by the continued enforcement of a rule that has expired under Subsection (g) to file a civil action to obtain a declaratory judgment against and injunctive relief from the rule's continued enforcement. Authorizes the action to be filed in a district court in the person's county of residence or in Travis County. Provides that a plaintiff who substantially prevails in the action is entitled to recover reasonable costs and attorney's fees from the state agency that adopted the rule.

SECTION 2. Effective date: September 1, 2023.