

1-1 By: Klick, et al. (Senate Sponsor - Hall) H.B. No. 139
 1-2 (In the Senate - Received from the House May 10, 2023;
 1-3 May 11, 2023, read first time and referred to Committee on Business
 1-4 & Commerce; May 19, 2023, reported favorably by the following vote:
 1-5 Yeas 10, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the provision of notice of certain proposed rules by
 1-22 state agencies.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Effective September 1, 2023, Section [2001.023](#),
 1-25 Government Code, is amended by adding Subsection (e) to read as
 1-26 follows:

1-27 (e) Failure to publish a summary of a proposed rule in the
 1-28 manner required by Subsection (c) does not invalidate a rule
 1-29 adopted by a state agency or an action taken by the agency under
 1-30 that rule.

1-31 SECTION 2. Section [2001.024](#), Government Code, is amended by
 1-32 amending Subsection (a) and adding Subsection (d) to read as
 1-33 follows:

1-34 (a) The notice of a proposed rule must include:

1-35 (1) a brief explanation of the proposed rule;

1-36 (2) the text of the proposed rule, except any portion
 1-37 omitted under Section [2002.014](#), prepared in a manner to indicate
 1-38 any words to be added or deleted from the current text;

1-39 (3) a statement of the statutory or other authority
 1-40 under which the rule is proposed to be adopted, including:

1-41 (A) a concise explanation of the particular
 1-42 statutory or other provisions under which the rule is proposed;

1-43 (B) the section or article of the code affected;
 1-44 ~~and~~

1-45 (C) if applicable, the bill number for the
 1-46 legislation that enacted the statutory authority under which the
 1-47 rule is proposed to be adopted if the legislation was enacted during
 1-48 the four-year period preceding the date notice of the proposed rule
 1-49 is given; and

1-50 (D) a certification that the proposed rule has
 1-51 been reviewed by legal counsel and found to be within the state
 1-52 agency's authority to adopt;

1-53 (4) a fiscal note showing the name and title of the
 1-54 officer or employee responsible for preparing or approving the note
 1-55 and stating for each year of the first five years that the rule will
 1-56 be in effect:

1-57 (A) the additional estimated cost to the state
 1-58 and to local governments expected as a result of enforcing or
 1-59 administering the rule;

1-60 (B) the estimated reductions in costs to the
 1-61 state and to local governments as a result of enforcing or

2-1 administering the rule;
 2-2 (C) the estimated loss or increase in revenue to
 2-3 the state or to local governments as a result of enforcing or
 2-4 administering the rule; and
 2-5 (D) if applicable, that enforcing or
 2-6 administering the rule does not have foreseeable implications
 2-7 relating to cost or revenues of the state or local governments;
 2-8 (5) a note about public benefits and costs showing the
 2-9 name and title of the officer or employee responsible for preparing
 2-10 or approving the note and stating for each year of the first five
 2-11 years that the rule will be in effect:
 2-12 (A) the public benefits expected as a result of
 2-13 adoption of the proposed rule; and
 2-14 (B) the probable economic cost to persons
 2-15 required to comply with the rule;
 2-16 (6) the local employment impact statement prepared
 2-17 under Section 2001.022, if required;
 2-18 (7) a request for comments on the proposed rule from
 2-19 any interested person; and
 2-20 (8) any other statement required by law.
 2-21 (d) Failure to include in the notice of a proposed rule the
 2-22 bill number for the legislation that enacted the statutory
 2-23 authority under which the rule is proposed to be adopted as required
 2-24 by Subsection (a)(3)(C) does not invalidate a rule adopted by a
 2-25 state agency or an action taken by the agency under that rule.
 2-26 SECTION 3. Subchapter B, Chapter 2001, Government Code, is
 2-27 amended by adding Section 2001.0261 to read as follows:
 2-28 Sec. 2001.0261. NOTICE TO CERTAIN PERSONS. (a) This
 2-29 section applies only to a rule that is proposed to be adopted by a
 2-30 state agency under statutory authority that:
 2-31 (1) specifically authorizes the agency to adopt the
 2-32 rule; and
 2-33 (2) became law during the preceding four-year period.
 2-34 (b) A state agency shall provide, not later than the third
 2-35 day after the date the agency files notice with the secretary of
 2-36 state as required under Section 2001.023, notice of a proposed rule
 2-37 to the primary author and the primary sponsor of the legislation
 2-38 that enacted the statutory authority under which the proposed rule
 2-39 is to be adopted, if the primary author or primary sponsor is a
 2-40 current member of the legislature.
 2-41 (c) The state agency shall provide the notice required under
 2-42 Subsection (b) electronically to the person's designated Capitol
 2-43 e-mail address or to another e-mail address provided by the person
 2-44 to the agency for the purpose of receiving the notice.
 2-45 (d) Failure to provide the notice required under Subsection
 2-46 (b) does not invalidate a rule adopted by a state agency or an
 2-47 action taken by the agency under that rule.
 2-48 SECTION 4. The change in law made by this Act applies only
 2-49 to a proposed state agency rule for which notice is filed with the
 2-50 secretary of state under Section 2001.023, Government Code, on or
 2-51 after the effective date of this Act.
 2-52 SECTION 5. Except as otherwise provided by this Act, this
 2-53 Act takes effect immediately if it receives a vote of two-thirds of
 2-54 all the members elected to each house, as provided by Section 39,
 2-55 Article III, Texas Constitution. If this Act does not receive the
 2-56 vote necessary for immediate effect, this Act takes effect
 2-57 September 1, 2023.

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