

By: Hall

S.B. No. 138

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the adoption and voidability of certain rules proposed
3 by a state agency.

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

5 SECTION 1. Section 2001.0045(c), Government Code, is
6 amended to read as follows:

7 (c) This section does not apply to a rule that:

8 (1) relates to state agency procurement;

9 (2) is amended to:

10 (A) reduce the burden or responsibilities
11 imposed on regulated persons by the rule; or

12 (B) decrease the persons' cost for compliance
13 with the rule;

14 (3) is adopted in response to a natural disaster;

15 (4) is necessary to receive a source of federal funds
16 or to comply with federal law;

17 (5) is necessary to protect water resources of this
18 state as authorized by the Water Code;

19 (6) ~~is necessary to protect the health, safety, and~~
20 ~~welfare of the residents of this state;~~

21 ~~(7)~~ is adopted by the Department of Family and
22 Protective Services, Texas Department of Motor Vehicles, Parks and
23 Wildlife Department, Public Utility Commission of Texas, Texas
24 Commission on Environmental Quality, or Texas Racing Commission;

1 (7) [~~(8)~~] is adopted by a self-directed
2 semi-independent agency; or

3 (8) [~~(9)~~] is necessary to implement legislation,
4 unless the legislature specifically states this section applies to
5 the rule.

6 SECTION 2. Sections 2001.035(a) and (b), Government Code,
7 are amended to read as follows:

8 (a) A rule is voidable unless a state agency adopts it in
9 substantial compliance with Section 2001.0045 and Sections
10 2001.0225 through 2001.034.

11 (b) A person must initiate a proceeding to contest a rule on
12 the ground of noncompliance with the procedural requirements of
13 Section 2001.0045 or Sections 2001.0225 through 2001.034 not later
14 than the second anniversary of the effective date of the rule.

15 SECTION 3. The changes in law made by this Act apply only to
16 a rule proposed by a state agency on or after the effective date of
17 this Act. A rule proposed before that date is governed by the law in
18 effect on the date the rule was proposed, and the former law is
19 continued in effect for that purpose.

20 SECTION 4. This Act takes effect September 1, 2025.