By: Hall S.B. No. 453

A BILL TO BE ENTITLED

AN ACT

relating to the duration of and process for adopting and renewing state agency emergency rules.

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

SECTION 1. Section 2001.034, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (c-1) to read as follows:

(a) A state agency may adopt an emergency rule only during a period in which a state of emergency declaration or state of disaster declaration issued by the governor is in effect. An emergency rule may be adopted without prior notice or hearing, or with an abbreviated notice and a hearing that the agency [~~it~~] finds practicable, provided that [~~if~~] the agency must:

(1) find [~~finds~~] that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice; [~~and~~]

(2) state [~~states~~] in writing the reasons for its finding under Subdivision (1); and

(3) inform the governor of the agency's intent to adopt the rule.

(c) A rule adopted under this section may be effective for not longer than 60 [~~120~~] days and, subject to Subsection (c-1), may be renewed once for not longer than 30 [~~60~~] days. An identical rule

may be adopted under Sections 2001.023 and 2001.029.

(c-1) A state agency may not renew a rule adopted under this section without first holding a public hearing with a public comment period.

SECTION 2. The changes in law made by this Act apply only to a state agency emergency rule proposed on or after the effective date of this Act. An emergency rule proposed before that date is governed by the law in effect on the date the rule was proposed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.