

BILL ANALYSIS

H.B. 763
By: King, Susan
Government Transparency & Operation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties point out that a member of the general public may petition a state agency for rulemaking on a particular issue and that once a petition is submitted, an agency is required to review the petition and has 60 days to either deny the petition with explanation or initiate rulemaking. Yet the parties assert that despite the potential impact of this rulemaking process on state law, there are no requirements that the petitioner be a Texas resident, be associated with an entity located in Texas, or that a majority of the signers of a petition be from Texas. H.B. 763 seeks to remedy this situation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 763 amends the Government Code, for purposes of the Administrative Procedure Act provisions authorizing an interested person by petition to a state agency to request the adoption of an administrative rule, to require the interested person to be a Texas resident, a business entity located in Texas, a governmental subdivision located in Texas, or a public or private organization located in Texas that is not a state agency. The bill requires at least 51 percent of the total number of required signatures for the petition to be signatures of Texas residents if a state agency requires signatures for the petition.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.