

BILL ANALYSIS

H.B. 1290
By: Roberts
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised about the rate at which state agencies are proposing and adopting new rules and regulations. H.B. 1290 seeks to address these concerns by prohibiting a state agency from adopting a proposed rule unless the agency repeals at least one agency rule on or before the proposed rule's effective date, with certain exceptions.

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. 1290 amends the Government Code to prohibit a state agency from adopting a proposed rule unless the state agency repeals at least one state agency rule on or before the proposed rule's effective date. The bill expressly does not apply to the adoption of a rule specifically required by the legislature or a rule necessary to protect the health and safety of Texas residents as authorized under the Health and Safety Code. The bill provides for the meaning of "state agency" by reference to its definition in the Administrative Procedure Act, for purposes of actions preparatory to implementation of a statute or rule, as a department, board, commission, committee, council, agency, office, or other entity in the executive, legislative, or judicial branch of state government, including a public institution of higher education and including the entities that are excluded from the general definition of "state agency" under that act.

EFFECTIVE DATE

September 1, 2017.