

- SUBJECT:** Requiring that parties requesting rule adoption be located in Texas
- COMMITTEE:** Government Transparency & Operation — favorable, without amendment
- VOTE:** 5 ayes — Elkins, Walle, Galindo, Gutierrez, Leach  
0 nays  
2 absent — Gonzales, Scott Turner
- WITNESSES:** For — (*Registered, but did not testify*: Marla Flint; Tom “Smitty” Smith)  
Against — None
- BACKGROUND:** Government Code, ch. 2001 is the Administrative Procedure Act. Sec. 2001.021 allows an individual or entity to petition a state agency requesting the adoption of administrative rules. An agency that receives a petition must respond within 60 days to either approve the request and initiate the rulemaking process or to deny the petition in writing, stating its reasons for the denial.  
  
Currently there is no requirement that the interested person submitting the petition be a Texas resident. Nor is there a requirement that a majority of the signers of a petition, if required by the agency, be Texas residents.
- DIGEST:** HB 763 would amend Government Code, sec. 2001.021 to require that an interested person submitting a petition requesting the adoption of agency rules be a Texas resident. A business, governmental subdivision, or a public or private organization submitting a petition would have to be located in Texas and could not be a state agency. If the agency required a signed petition under this process, the bill would require that more than half the signatures be from Texas residents.  
  
This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.