

BILL ANALYSIS

Senate Research Center
84R187 EAH-D

H.B. 763
By: King, Susan (Perry)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 an 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.

H.B. 763 amends current law relating to a petition to a state agency for adoption of rules.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2001.021, Government Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires a state agency by rule to prescribe the form for a petition under this section and the procedure for its submission, consideration, and disposition. Requires that at least 51 percent of the total number of signatures required, if a state agency requires signatures for a petition under this section, be of residents of this state.

(d) Requires that an interested person, for the purposes of this section, be:

- (1) a resident of this state;
- (2) a business entity located in this state;
- (3) a governmental subdivision located in this state; or
- (4) a public or private organization located in this state that is not a state agency.

SECTION 2. Effective date: upon passage or September 1, 2015.