

BILL ANALYSIS

Senate Research Center
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S.B. 668
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the interim, several state boards and commissions overstepped the authority granted to them by the legislature. Specifically, these boards and commissions engaged in rulemaking that resembled the making of law rather than the enforcement of law. The making of law and consideration of related policies are authorities granted to the state legislature by the citizens of Texas and are outside the authority of state boards and commissions. S.B. 668 is a response to these actions.

S.B. 668 requires the governing body of a state agency or commission to adopt a training manual that: (1) defines the scope and limitations of the agency's rulemaking authority; (2) explains the distinction between the authority of the agency and the authority of the legislature; (3) discusses the ethical considerations involved in communications between members of the agency's governing body and registered lobbyists; (4) outlines the procedure for members of the agency's governing body to disclose conflicts of interest; and (5) enumerates rules and state laws applicable to members of the agency's governing body.

S.B. 668 ensures that members of state boards and commissions are informed on their roles and the role of the legislature with the goal of preventing future overreach.

As proposed, S.B. 668 amends current law relating to the adoption of a training manual for certain state officers.

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 Subtitle B, Title 6, Government Code, by adding Chapter 673, as follows:

CHAPTER 673. TRAINING MANUAL FOR CERTAIN STATE OFFICERS

Sec. 673.001. DEFINITIONS. Defines "executive head of state agency" and "state agency."

Sec. 673.002. TRAINING MANUAL. (a) Requires the governing body of a state agency or the single state officer who governs an agency to adopt a training manual as provided by this section. Requires the executive head of a state agency governed by a governing body to ensure that each member of the body receives a copy of the manual each year.

(b) Requires that the training manual include, at a minimum:

- (1) the scope of and limitations on the rulemaking authority of the governing body or officer;
- (2) the distinction between the governing body's or officer's rulemaking authority and the authority of the legislature;

(3) the ethical considerations involved in communications between the officer or members of the governing body and persons required to register as lobbyists under Chapter 305 (Registration of Lobbyists);

(4) the procedures by which the officer or a member of a governing body must disclose a conflict of interest; and

(5) rules and state laws applicable to the officer or members of the governing body.

(c) Requires a person who is a member of the governing body of a state agency to submit annually to the executive head of the state agency a statement affirming receipt of the training manual.

SECTION 2. Requires the governing body of a state agency or the single state officer who governs the agency, not later than June 1, 2016, to adopt the training manual required by Section 673.002, Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2015.