

BILL ANALYSIS

Senate Research Center

H.B. 1290
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Administration
5/22/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised about the rate at which state agencies are proposing and adopting new rules and regulations. H.B. 1290 addresses 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.

H.B. 1290 amends current law relating to the required repeal of a state agency rule before adoption of a new state agency rule.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas comptroller of public accounts in SECTION 1 (Section 2001.0045, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 2001, Government Code, by adding Section 2001.0045, as follows:

Sec. 2001.0045. REQUIREMENT FOR NEW RULE. (a) Defines "state agency."

(b) Prohibits a state agency from adopting a proposed rule unless on or before the effective date of the proposed rule, the state agency repeals at least one state agency rule, except as provided by Subsection (h).

(c) Requires that a state agency prepare a proposed rule reduction statement before a proposed rule subject to this section is first published or adopted.

(d) Requires that the proposed rule reduction statement:

(1) describe the rule proposed to be added and the rule proposed to be repealed;

(2) reasonably describe, with respect to the first five years the proposed rule would be in effect, whether it would create or eliminate a governmental program, require the creation or elimination of employee positions, require an increase or decrease in future legislative appropriations to the state agency, require an increase or decrease in fees paid to the state agency, expand, limit or repeal another existing rule, increase or decrease the number of individuals subject to the rule's applicability, and positively or negatively affect the state's economy; and

(3) to the extent applicable, reasonably describe, with respect to the repealed rule, the information required under Subdivision (2).

(e) Requires the Texas comptroller of public accounts (comptroller) to adopt rules necessary to implement this section. Requires that the rules require the required statement to be in plain language. Authorizes the comptroller to

prescribe a chart for use by a state agency in disclosing the information required under that subsection.

(f) Provides that a state agency's failure to comply with the requirements of Subsection (d) does not affect the legal status of a rule adopted under this chapter.

(g) Provides that this section applies to the adoption of an emergency rule.

(h) Provides that this section does not apply to the adoption of a rule specifically required by the legislature or necessary to protect the health and safety of the residents of this state as authorized under the Health and Safety Code, or related to the essential knowledge and skills under Subchapter A (Essential Knowledge and Skills; Curriculum), Chapter 28, Education Code, nor to high school graduation requirements adopted under Section 28.025 (High School Diploma and Certificate; Academic Achievement Record), Education Code.

SECTION 2. Requires the comptroller to adopt the rules required under Section 2001.0045, Government Code, no later than October 1, 2017.

SECTION 3. Makes application of this Act prospective to November 1, 2017.

SECTION 4. Effective date: September 1, 2017.