

BILL ANALYSIS

Senate Research Center

H.B. 462
By: Dale (Zaffirini)
Business & Commerce
7/25/2017
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

When rulemaking authority is conferred on state agencies by legislation, there exists a risk that an agency may make rules that go beyond the intended scope of the delegated authority. To facilitate legislative oversight of agency rulemaking and ease monitoring of implementation of legislation, H.B. 462 requires a state agency's notice of proposed rulemaking to include the bill number for the legislation providing the relevant rulemaking authority and requires the agency to provide that notice to each primary author, joint author, sponsor, and joint sponsor of that legislation.

H.B. 462 amends current law relating to the provision of notice of proposed rules by state agencies.

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 2001.024(a), Government Code, as follows:

(a) Requires that the notice of a proposed rule include:

(1) and (2) makes no changes to these subdivisions;

(3) a statement of the statutory or other authority under which the rule is proposed to be adopted, including:

(A) and (B) makes no changes to these paragraphs;

(C) the bill number for the legislation that enacted the statutory or other authority under which the rule is proposed to be adopted; and

(D) creates this paragraph from existing text and makes no further changes to this paragraph;

(4) through (8) makes no changes to these subdivisions.

SECTION 2. Amends Subchapter B, Chapter 2001, Government Code, by adding Section 2001.0261, as follows:

Sec. 2001.0261. NOTICE TO CERTAIN PERSONS. (a) Requires a state agency to provide, on the same day the agency files notice with the Texas secretary of state (SOS) as required under Section 2001.023 (Notice of Proposed Rule), notice of a proposed rule to certain authors and sponsors of the legislation that enacted the statutory or other authority under which the proposed rule is to be adopted.

(b) Requires the state agency to provide the notice required under Subsection (a) electronically if the recipient of the notice has provided an electronic mail address to the agency for the purpose of receiving the notice.

(c) Provides that failure to provide the notice required under Subsection (a) does not invalidate a rule adopted by a state agency or an action taken by the agency under that rule.

SECTION 3. Provides that the change in law made by this Act applies only to a proposed state agency rule for which notice is filed with SOS under Section 2001.023, Government Code, on or after the effective date of this Act.

SECTION 4. Effective date: September 1, 2017.