

By: Dale

H.B. No. 462

Substitute the following for H.B. No. 462:

By: Elkins

C.S.H.B. No. 462

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the provision of notice of proposed rules by state  
3 agencies.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 2001.024(a), Government Code, is amended  
6 to read as follows:

7 (a) The notice of a proposed rule must include:

8 (1) a brief explanation of the proposed rule;

9 (2) the text of the proposed rule, except any portion  
10 omitted under Section 2002.014, prepared in a manner to indicate  
11 any words to be added or deleted from the current text;

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

14 (A) a concise explanation of the particular  
15 statutory or other provisions under which the rule is proposed;

16 (B) the section or article of the code affected;

17 [~~and~~]

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

21 (D) a certification that the proposed rule has  
22 been reviewed by legal counsel and found to be within the state  
23 agency's authority to adopt;

24 (4) a fiscal note showing the name and title of the

1 officer or employee responsible for preparing or approving the note  
2 and stating for each year of the first five years that the rule will  
3 be in effect:

4 (A) the additional estimated cost to the state  
5 and to local governments expected as a result of enforcing or  
6 administering the rule;

7 (B) the estimated reductions in costs to the  
8 state and to local governments as a result of enforcing or  
9 administering the rule;

10 (C) the estimated loss or increase in revenue to  
11 the state or to local governments as a result of enforcing or  
12 administering the rule; and

13 (D) if applicable, that enforcing or  
14 administering the rule does not have foreseeable implications  
15 relating to cost or revenues of the state or local governments;

16 (5) a note about public benefits and costs showing the  
17 name and title of the officer or employee responsible for preparing  
18 or approving the note and stating for each year of the first five  
19 years that the rule will be in effect:

20 (A) the public benefits expected as a result of  
21 adoption of the proposed rule; and

22 (B) the probable economic cost to persons  
23 required to comply with the rule;

24 (6) the local employment impact statement prepared  
25 under Section [2001.022](#), if required;

26 (7) a request for comments on the proposed rule from  
27 any interested person; and

1 (8) any other statement required by law.

2 SECTION 2. Subchapter B, Chapter 2001, Government Code, is  
3 amended by adding Section 2001.0261 to read as follows:

4 Sec. 2001.0261. NOTICE TO CERTAIN PERSONS. (a) A state  
5 agency shall provide, on the same day the agency files notice with  
6 the secretary of state as required under Section 2001.023, notice  
7 of a proposed rule to each primary author, any joint author, each  
8 sponsor, and any joint sponsor of the legislation that enacted the  
9 statutory or other authority under which the proposed rule is to be  
10 adopted.

11 (b) The state agency shall provide the notice required under  
12 Subsection (a) electronically if the recipient of the notice has  
13 provided an electronic mail address to the agency for the purpose of  
14 receiving the notice.

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

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

22 SECTION 4. This Act takes effect September 1, 2017.