

1-1 By: Dale (Senate Sponsor - Zaffirini) H.B. No. 462
 1-2 (In the Senate - Received from the House May 5, 2017;
 1-3 May 5, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 21, 2017, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 21, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the provision of notice of proposed rules by state
 1-20 agencies.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 2001.024(a), Government Code, is amended
 1-23 to read as follows:

1-24 (a) The notice of a proposed rule must include:

1-25 (1) a brief explanation of the proposed rule;

1-26 (2) the text of the proposed rule, except any portion
 1-27 omitted under Section 2002.014, prepared in a manner to indicate
 1-28 any words to be added or deleted from the current text;

1-29 (3) a statement of the statutory or other authority
 1-30 under which the rule is proposed to be adopted, including:

1-31 (A) a concise explanation of the particular
 1-32 statutory or other provisions under which the rule is proposed;

1-33 (B) the section or article of the code affected;
 1-34 ~~and~~

1-35 (C) the bill number for the legislation that
 1-36 enacted the statutory or other authority under which the rule is
 1-37 proposed to be adopted; and

1-38 (D) a certification that the proposed rule has
 1-39 been reviewed by legal counsel and found to be within the state
 1-40 agency's authority to adopt;

1-41 (4) a fiscal note showing the name and title of the
 1-42 officer or employee responsible for preparing or approving the note
 1-43 and stating for each year of the first five years that the rule will
 1-44 be in effect:

1-45 (A) the additional estimated cost to the state
 1-46 and to local governments expected as a result of enforcing or
 1-47 administering the rule;

1-48 (B) the estimated reductions in costs to the
 1-49 state and to local governments as a result of enforcing or
 1-50 administering the rule;

1-51 (C) the estimated loss or increase in revenue to
 1-52 the state or to local governments as a result of enforcing or
 1-53 administering the rule; and

1-54 (D) if applicable, that enforcing or
 1-55 administering the rule does not have foreseeable implications
 1-56 relating to cost or revenues of the state or local governments;

1-57 (5) a note about public benefits and costs showing the
 1-58 name and title of the officer or employee responsible for preparing
 1-59 or approving the note and stating for each year of the first five
 1-60 years that the rule will be in effect:

1-61 (A) the public benefits expected as a result of

2-1 adoption of the proposed rule; and
2-2 (B) the probable economic cost to persons
2-3 required to comply with the rule;
2-4 (6) the local employment impact statement prepared
2-5 under Section 2001.022, if required;
2-6 (7) a request for comments on the proposed rule from
2-7 any interested person; and
2-8 (8) any other statement required by law.

2-9 SECTION 2. Subchapter B, Chapter 2001, Government Code, is
2-10 amended by adding Section 2001.0261 to read as follows:

2-11 Sec. 2001.0261. NOTICE TO CERTAIN PERSONS. (a) A state
2-12 agency shall provide, on the same day the agency files notice with
2-13 the secretary of state as required under Section 2001.023, notice
2-14 of a proposed rule to each primary author, any joint author, each
2-15 sponsor, and any joint sponsor of the legislation that enacted the
2-16 statutory or other authority under which the proposed rule is to be
2-17 adopted.

2-18 (b) The state agency shall provide the notice required under
2-19 Subsection (a) electronically if the recipient of the notice has
2-20 provided an electronic mail address to the agency for the purpose of
2-21 receiving the notice.

2-22 (c) Failure to provide the notice required under Subsection
2-23 (a) does not invalidate a rule adopted by a state agency or an
2-24 action taken by the agency under that rule.

2-25 SECTION 3. The change in law made by this Act applies only
2-26 to a proposed state agency rule for which notice is filed with the
2-27 secretary of state under Section 2001.023, Government Code, on or
2-28 after the effective date of this Act.

2-29 SECTION 4. This Act takes effect September 1, 2017.

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