

1-1 By: Roberts, et al. (Senate Sponsor - Kolkhorst) H.B. No. 1290
1-2 (In the Senate - Received from the House May 8, 2017;
1-3 May 18, 2017, read first time and referred to Committee on Business
1-4 & Commerce; May 19, 2017, rereferred to Committee on
1-5 Administration; May 22, 2017, reported favorably by the following
1-6 vote: Yeas 5, Nays 2; May 22, 2017, sent to printer.)

1-7 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----------|-----|--------|-----|
| 1-8 | | | | |
| 1-9 | Kolkhorst | X | | |
| 1-10 | Burton | X | | |
| 1-11 | Huffines | X | | |
| 1-12 | Hughes | X | | |
| 1-13 | Nichols | X | | |
| 1-14 | West | | X | |
| 1-15 | Zaffirini | | X | |

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the required repeal of a state agency rule before
1-19 adoption of a new state agency rule.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subchapter A, Chapter 2001, Government Code, is
1-22 amended by adding Section 2001.0045 to read as follows:

1-23 Sec. 2001.0045. REQUIREMENT FOR NEW RULE. (a) In this
1-24 section, "state agency" has the meaning assigned by Section
1-25 2001.006.

1-26 (b) Except as provided by Subsection (h), a state agency may
1-27 not adopt a proposed rule unless on or before the effective date of
1-28 the proposed rule the state agency repeals at least one state agency
1-29 rule.

1-30 (c) Before a proposed rule subject to this section is first
1-31 published or adopted, a state agency must prepare for the proposed
1-32 rule a proposed rule reduction statement.

1-33 (d) The proposed rule reduction statement must:

1-34 (1) describe the rule proposed to be added and the rule
1-35 proposed to be repealed;

1-36 (2) reasonably describe, with respect to the first
1-37 five years the proposed rule would be in effect, whether:

1-38 (A) the proposed rule creates or eliminates a
1-39 governmental program;

1-40 (B) implementation of the proposed rule requires
1-41 the creation of additional employee positions or the elimination of
1-42 existing employee positions;

1-43 (C) implementation of the proposed rule requires
1-44 an increase or decrease in future legislative appropriations to the
1-45 state agency;

1-46 (D) the proposed rule requires an increase or
1-47 decrease in fees paid to the state agency;

1-48 (E) the proposed rule expands, limits, or repeals
1-49 another existing rule;

1-50 (F) the proposed rule increases or decreases the
1-51 number of individuals subject to the rule's applicability; and

1-52 (G) the proposed rule positively or adversely
1-53 affects this state's economy; and

1-54 (3) to the extent applicable, reasonably describe,
1-55 with respect to the repealed rule, the information required under
1-56 Subdivision (2).

1-57 (e) The comptroller shall adopt rules necessary to
1-58 implement this section. The rules must require that the statement
1-59 required under Subsection (d) be in plain language. The
1-60 comptroller may prescribe a chart for use by a state agency in
1-61 disclosing the information required under that subsection.

