

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1322
By: Shaheen et al. (Zaffirini)
Business & Commerce
5/6/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Despite its potential for significant impact on the public, the agency rulemaking process is largely opaque. Rules, for example, generally are promulgated in language that is difficult for laypersons to understand, especially persons with limited English proficiency. This issue was compounded during the COVID-19 pandemic, as state agencies rapidly issued rules attempting to address the pandemic that greatly impacted the operations of small businesses statewide. Accordingly, H.B. 1322 would require a state agency's notice of a proposed rule to include a brief, plain-language (in English and Spanish) explanation of the proposed rule and, if applicable, the bill number of the legislation that enacted the statutory authority under which the rule was proposed. Such changes would greatly enhance the transparency of the rulemaking process for the public, especially during emergency situations.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1322 amends current law relating to a summary of a rule proposed by a state agency.

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 2001.023, Government Code, by adding Subsections (c) and (d), as follows:

(c) Requires a state agency, at the time the agency files notice of a proposed rule under Subsection (b), to publish on its Internet website a summary of the proposed rule written in plain language in both English and Spanish in accordance with Section 2054.116 (Spanish Language Content on Agency Websites).

(d) Provides that, for purposes of Subsection (c), a summary is written in plain language if it uses language the general public, including individuals with limited English proficiency, can readily understand because the language is concise and well-organized.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.