

## **BILL ANALYSIS**

Senate Research Center  
76R4584 JRD-F

S.B. 382  
By: Duncan  
State Affairs  
2/8/1999  
As Filed

### **DIGEST**

Currently, Texas law requires state agencies to provide a reasoned justification for the adoption of rules. Texas law allows for nonspecified considerations, in addition to those required by law, in providing a reasoned justification. This bill provides requirements for state agency orders adopting rules and substantial compliance with rulemaking requirements.

### **PURPOSE**

As proposed, S.B. 382 provides requirements for state agency orders adopting rules and substantial compliance with rulemaking requirements.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2001.033, Government Code, to require a state agency adopting a rule to include reasoned justification for the rule as a whole consisting solely of certain information, including a summary, rather than a restatement, of the basis for the rules adopted. Makes nonsubstantive changes.

SECTION 2. Amends Section 2001.035, Government Code, to provide that a rule is voidable unless adopted by a state agency. Provides that compliance requirements for Section 2001.033 are met if it is demonstrated that the rule adopted is a reasonable means to a legitimate objective. Provides that technical defects are not grounds for invalidation of a rule. Deletes text which provides that a rule adopted after January 1, 1976 is not valid unless adopted by an agency.

SECTION 3. (a) Repealer: Section 2001.030, Government Code (Statement of Reasons for or Against Adoption).

(b) Repealer: Sections 2 and 3, Chapter 1067, Acts of the 75th Legislature, Regular Session, 1997.

SECTION 4. Effective date: September 1, 1999. Makes application of this Act prospective to January 1, 1998. Exempts challenges to a rule in a court action brought before September 1, 1999.

SECTION 5. Emergency clause.