

BILL ANALYSIS

S.B. 668
By: Schwertner
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerned parties contend that several state agencies have recently overstepped the authority granted to the agencies by the legislature by engaging in rulemaking that resembled the making of law rather than the enforcement of law. In response to this issue, S.B. 668 seeks to clarify the roles of certain state agencies.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 668 amends the Government Code to require the governing body of a state agency in the executive branch of state government, excluding an institution of higher education, or the single state officer who governs an agency, not later than June 1, 2016, to adopt a training manual that must include, at a minimum:

- the scope of and limitations on the rulemaking authority of the governing body or officer;
- the distinction between the governing body's or officer's rulemaking authority and the authority of the legislature;
- the ethical considerations involved in communications between the officer or members of the governing body and persons required to register as lobbyists;
- the procedures by which the officer or a member of a governing body must disclose a conflict of interest; and
- rules and state laws applicable to the officer or members of the governing body.

The bill requires the executive head of a state agency governed by a governing body to ensure that each member of the body receives a copy of the training manual each year and requires a person who is a member of the governing body of a state agency to submit annually to the executive head of the state agency a statement affirming receipt of the training manual.

EFFECTIVE DATE

September 1, 2015.