

SUBJECT: Requiring state agencies to make guidance documents public on websites

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 12 ayes — Paddie, Hernandez, Deshotel, Harless, Howard, Hunter,
P. King, Metcalf, Raymond, Shaheen, Slawson, Smithee

0 nays

1 absent — Lucio

WITNESSES: For — Rod Bordelon, Texas Public Policy Foundation; (*Registered, but did not testify*: Michelle Davis, Convention of States; and eight individuals)

Against — None

BACKGROUND: Interested parties have suggested requiring state agencies to provide a link to their guidance documents on their websites to clear up any confusion between supervisory guidance documents and regulatory documents.

DIGEST: HB 3073 would require each state agency to include on its publicly accessible website a prominently displayed link to its guidance documents.

A "guidance document" would mean a statement of general applicability describing an agency's policy on a statutory, regulatory, or technical issue that related to the agency's powers and duties or that interpreted a statutory or regulatory issue related to its powers and duties. The term would not include a rule adopted by the agency.

An agency could not charge a person to access a guidance document.

The bill would be liberally construed to effectuate its purposes, but the bill could not be construed to require disclosure of information excepted from public disclosure or confidential information.

HB 3073
House Research Organization
page 2

The bill would take effect September 1, 2021. Agencies would have to comply with the bill's requirements as soon as practicable after that date, but no later than March 1, 2022.