

BILL ANALYSIS

Senate Research Center
77R3970 JRD-F

H.B. 1430
By: Danburg (Gallegos)
State Affairs
5/8/2001
Engrossed

DIGEST AND PURPOSE

The Texas Administrative Code (administrative code) is the compilation of all state agency rules in Texas. The administrative code was created by the Texas Legislature under the Administrative Code Act and the legislature directed the Office of the Secretary of State to compile, index, and publish the administrative code. Rules adopted by abolished agencies or rules declared invalid by a final court judgment may still appear in the code. As a result, there are concerns that the code has become cluttered with unnecessary and obsolete rules. H.B.1430 requires the secretary of state to remove a state agency's rules from the administrative code after the agency has been abolished, if the rules have been declared invalid, or if the legislature has transferred the abolished agency's rules to another agency, and to transfer the rules to the appropriate place in the administrative code.

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 325.017(a), Government Code, to set forth that unless the law provides otherwise, all rules that have been adopted by an abolished state agency expire at the expiration of a specified one-year period.

SECTION 2. Amends Chapter 2002C, Government Code, by adding Section 2002.058, as follows:

Sec. 2002.058. OBSOLETE OR INVALID RULES. (a) Requires the secretary of state, unless the law provides otherwise, to remove a state agency's rules from the administrative code after the agency has been abolished. Requires the secretary of state, if the legislature transfers the abolished agency's rules to another state agency, to transfer the rules to the appropriate place in the administrative code.

(b) Requires a state agency to repeal a rule that has been declared invalid by a final court judgement. Sets forth that for purposes of this subsection, a court judgement is not considered final during the time that the judgement may be reversed by an appellate court.

SECTION 3. Effective date: September 1, 2001.