

## **BILL ANALYSIS**

Senate Research Center  
88R3225 CJC-D

S.B. 506  
By: Perry  
Finance  
3/9/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

#### Bill Summary

Amends the Government Code by adding Section 2001.008 that unless the authority has been explicitly granted to a state agency by the legislature, a state agency may not adopt a rule that requires a person to pay a fee or a tax if:

1. the rule authorizes the imposition of a fee or a tax on an item, service, privilege, or transaction that, at the time the agency proposes to adopt the rule, is not subject to the fee or tax; and
2. the agency has not previously interpreted the statutory or other authority under which the rule is proposed to be adopted to authorize the agency to impose the fee or tax on the applicable item, service, privilege, or transaction.

For purposes of this section, a provision of law that contains a statement of legislative intent, findings, purpose, or policy, or a statement describing an agency's general powers and duties, is not an explicit grant of authority by the legislature.

As proposed, S.B. 506 amends current law relating to a limitation on the authority of state agencies to adopt rules that require persons to pay certain fees or taxes.

### **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 Subchapter A, Chapter 2001, Government Code, by adding Section 2001.008, as follows:

Sec. 2001.008. LIMITATION ON ADOPTION OF RULES REQUIRING PAYMENT OF CERTAIN FEES OR TAXES. (a) Prohibits a state agency, unless the authority has been explicitly granted to the state agency by the legislature, from adopting a rule that requires a person to pay a fee or a tax if:

(1) the rule authorizes the imposition of a fee or a tax on an item, service, privilege, or transaction that, at the time the agency proposes to adopt the rule, is not subject to the fee or tax; and

(2) the agency has not previously interpreted the statutory or other authority under which the rule is proposed to be adopted to authorize the agency to impose the fee or tax on the applicable item, service, privilege, or transaction.

(b) Provides that a provision of law that contains a statement of legislative intent, findings, purpose, or policy, or a statement describing an agency's general powers

and duties, for purposes of this section, is not an explicit grant of authority by the legislature.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.