

## **Rulemaking Process**

### **Petition For Adoption of Rules.**

- (a) An interested person by petition to a state agency may request the adoption of a rule.
- (b) A state agency by rule shall prescribe the form for a petition under this section and the procedure for its submission, consideration, and disposition. If a state agency requires signatures for a petition under this section, at least 51 percent of the total number of signatures required must be of residents of this state.
- (c) Not later than the 60th day after the date of submission of a petition under this section, a state agency shall:
  - (1) deny the petition in writing, stating its reasons for the denial; or
  - (2) initiate a rulemaking proceeding under this subchapter.
- (d) For the purposes of this section, an interested person must be:
  - (1) a resident of this state;
  - (2) a business entity located in this state;
  - (3) a governmental subdivision located in this state; or
  - (4) a public or private organization located in this state that is not a state agency.

### **Local Employment Impact Statements.**

A state agency shall determine whether a rule may affect a local economy before proposing the rule for adoption. If a state agency determines that a proposed rule may affect a local economy, the agency shall prepare a local employment impact statement for the proposed rule.

### **Government Growth Impact Statements.**

- (a) A state agency shall prepare a government growth impact statement for a proposed rule.
- (b) A state agency shall reasonably describe in the government growth impact statement whether, during the first five years that the rule would be in effect:
  - (1) the proposed rule creates or eliminates a government program;
  - (2) implementation of the proposed rule requires the creation of new employee positions or the elimination of existing employee positions;
  - (3) implementation of the proposed rule requires an increase or decrease in future legislative appropriations to the agency;
  - (4) the proposed rule requires an increase or decrease in fees paid to the agency;
  - (5) the proposed rule creates a new regulation;
  - (6) the proposed rule expands, limits, or repeals an existing regulation;
  - (7) the proposed rule increases or decreases the number of individuals subject to the rule's applicability; and
  - (8) the proposed rule positively or adversely affects this state's economy.
- (c) The comptroller shall adopt rules to implement this section. The rules must require that the government growth impact statement be in plain language. The comptroller may prescribe a chart that a state agency may use to disclose the items required under Subsection (b).
- (d) Each state agency shall incorporate the impact statement into the notice.

### **Notice Of Proposed Rule.**

A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule.

## **Effective Date Of Notice.**

Notice of a proposed rule becomes effective as notice when published in the Texas Register.

## **Public Comment.**

(a) Before adopting a rule, a state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing.

(b) A state agency shall grant an opportunity for a public hearing before it adopts a substantive rule if a public hearing is requested by:

(1) at least 25 persons;

(2) a governmental subdivision or agency; or

(3) an association having at least 25 members.

(c) A state agency shall consider fully all written and oral submissions about a proposed rule.

## **Emergency Rulemaking**

A state agency may adopt an emergency rule without prior notice or hearing, or with an abbreviated notice and a hearing that it finds practicable, if the agency:

finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice; and

states in writing the reasons for its finding.

A state agency shall set forth in an emergency rule's preamble the findings.

An emergency rule adopted may be effective for not longer than 120 days and may be renewed once for not longer than 60 days.

A state agency shall file an emergency rule adopted and the agency's written reasons for the adoption in the office of the secretary of state for publication in the Texas Register.

## **Texas Register**

## **Texas Administrative Procedure Act**