

By: Rodriguez

H.B. No. 352

A BILL TO BE ENTITLED

AN ACT

relating to a cost-benefit analysis of rules adopted or amended by the supreme court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 22, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. COST-BENEFIT ANALYSIS OF
SUPREME COURT RULES AND RULE AMENDMENTS

Sec. 22.351. APPLICABILITY. This subchapter applies only to rules and rule amendments adopted by the supreme court.

Sec. 22.352. LIMITATION ON ADOPTION OF RULES AND RULE AMENDMENTS. The supreme court may not adopt or amend a rule under Section 22.003, 22.004, 81.024, 81.0242, 81.072, 81.0753, 81.077, or 81.102 unless the court complies with the requirements of this subchapter.

Sec. 22.353. COST-BENEFIT ANALYSIS. Before adopting or amending a rule subject to this subchapter, the supreme court shall conduct a cost-benefit analysis that:

(1) identifies the problem the proposed rule or rule amendment is intended to address;

(2) determines whether a new rule or rule amendment is necessary to address the problem; and

(3) considers the benefits and costs of the proposed rule or rule amendment in relation to this state's legal

1 profession, attorney disciplinary system, and court system and to
2 the public.

3 Sec. 22.354. DRAFT OF COST-BENEFIT ANALYSIS. (a) Not later
4 than the 90th day before the proposed effective date of a proposed
5 rule or rule amendment subject to this subchapter, the supreme
6 court shall:

7 (1) publish on its Internet website a draft of the
8 cost-benefit analysis describing the anticipated effects of the
9 proposed rule or rule amendment; and

10 (2) file a copy of the draft with:

11 (A) the governor's office;

12 (B) the Legislative Budget Board; and

13 (C) the presiding officer of each legislative
14 standing committee with subject matter jurisdiction over the state
15 judicial system.

16 (b) The draft of the cost-benefit analysis must, at a
17 minimum:

18 (1) identify the benefits the supreme court
19 anticipates from adoption and implementation of the rule or rule
20 amendment, including an estimate of:

21 (A) the increased protection provided to the
22 public and to attorneys' clients; and

23 (B) any beneficial effect on the cost of legal
24 services provided by attorneys to clients;

25 (2) identify the costs anticipated by the supreme
26 court after implementation of the rule or rule amendment to:

27 (A) this state's court system, attorney

1 disciplinary system, and legal profession;

2 (B) clients of attorneys in this state; and

3 (C) the public;

4 (3) describe the benefits and costs anticipated from
5 implementation of the rule or rule amendment with:

6 (A) a quantitative description to the extent
7 feasible; and

8 (B) a qualitative description when a
9 quantitative description is not feasible or is not adequately
10 descriptive;

11 (4) describe reasonable alternative methods for
12 achieving the purpose of the proposed rule or rule amendment that
13 the supreme court considered and provide the reasons the court
14 rejected those alternatives in favor of the proposed rule or rule
15 amendment; and

16 (5) include a provision that informs the public of its
17 opportunity to comment on the draft of the cost-benefit analysis
18 and of the supreme court's duty to review and consider all comments.

19 (c) The supreme court shall review and consider all comments
20 related to the draft of the cost-benefit analysis that are
21 submitted to the court.

22 Sec. 22.355. REPORT OF RULE OR RULE AMENDMENT. Not later
23 than the 45th day before the effective date of a rule or rule
24 amendment adopted by the supreme court, the supreme court shall
25 file a copy of the rule or rule amendment with:

26 (1) the governor's office;

27 (2) the Legislative Budget Board; and

1 (3) the presiding officer of each legislative standing
2 committee with subject matter jurisdiction over the state judicial
3 system.

4 SECTION 2. The change in law made by this Act applies only
5 to a rule amended or adopted by the Texas Supreme Court on or after
6 the effective date of this Act.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2011.