

**Office of the Governor
Regulatory Compliance Division**

**Rule Submission Memorandum Template
Updated October 9, 2020**

To: [Regulatory Compliance Division Director]

From: [State Agency Contact Regarding Proposed Rule Submission]
[Title], [Name of State Agency]

Date: [Date of Submission to Regulatory Compliance Division]

Subject: [Short Description of Proposed Rule]

Note: This memorandum, the proposed rule, and any amendments should be submitted to the Regulatory Compliance Division as a single, combined PDF.

The [Name of State Agency] has proposed [amendments to/a repeal of/new rule] [Citation to Texas Administrative Code], as published in the [Publication Date] issue of the *Texas Register*. The proposed rule affects market competition and is submitted to the Regulatory Compliance Division for review. The PDF version of the preamble and text of the proposed rule as published in the *Texas Register*, and the language of any amendments to the proposed rule that the [Name of State Agency] intends to adopt, are attached to this memorandum.

Include if Applicable: The [Name of State Agency] requests an expedited review of the proposed rule based on the following circumstances: [Explain].

To facilitate the Regulatory Compliance Division's review of the proposed rule, the [Name of State Agency] provides answers to the following questions.

1. Briefly describe the proposed rule.
2. What is the purpose of the proposed rule?
3. Describe any relevant factual background to the proposed rule and the impetus for the state agency to consider rulemaking.
4. Describe the legal authority for the proposed rule.
 - a. Is the proposed rule specifically required or authorized by state statute? If so, list the statute(s).

- b. Is the proposed rule within the scope of the state agency's general authority to regulate in a given occupation or industry? If so, describe how the proposed rule is within the scope, and reference the applicable state statute(s).
5. Describe the process that the state agency followed in developing the proposed rule, including any public hearings held, public comments invited, studies conducted, and data collected or analyzed.
6. Describe the harm that the proposed rule is intended to address and how the proposed rule will address the harm.
7. Do any less restrictive alternatives to the proposed rule exist for addressing the same harm? If so, include a comparison of the proposed rule to the alternatives and a justification for not pursuing a less restrictive alternative. If no less restrictive alternatives exist, explain why.
8. Indicate how the proposed rule affects market competition (See Section 57.105(d), Texas Occupations Code).
 - It creates a barrier to market participation in the state.
 - It results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.
 - It both creates a barrier to market participation in the state and results in higher prices or reduced competition for a product or service provided by or to a license holder in the state.
9. Describe the specific impact that the proposed rule will have on market competition and how that effect is consistent with state policy as established by the Legislature in state statute.
10. Does the proposed rule relate to a question that is the subject of an opinion request pending before the Office of the Attorney General? Does the proposed rule relate to an opinion previously issued by the Office of the Attorney General?
11. Does the proposed rule relate to a matter on which there is pending litigation or a final court order?
12. Is there anything else that the state agency would like the Regulatory Compliance Division to know about the proposed rule?

Note: In addition to this memorandum and its required attachments, the state agency must provide copies of the state agency's administrative records regarding the proposed rule, including any information or comments that the state agency received from the public

regarding the proposed rule. A state agency is not required to submit any privileged or confidential information to the Regulatory Compliance Division.