

TEXAS SECRETARY OF STATE

*Helping Agencies Achieve
Transparency for Texas*

Adam Bitter
General Counsel
Office of the Texas Secretary of State



1



Overview

- Secretary of State Role in Rulemaking and Open Meetings
- *Texas Register*
- *Texas Administrative Code*
- Agency Rulemaking Submissions
- Open Meeting Notices
- Common Questions



2

2

Statutory Background: SOS Role in Agency Rulemaking and Open Meetings

Texas Government Code, Chapter 2002, Subchapter B: Texas Register

- SOS “shall compile, index, cross-index to statute, and publish a publication to be known as the Texas Register.”
- Register contains, among other things:
 - Emergency, proposed, withdrawn and adopted rules
 - Notices of state agency rule review
 - Governor’s executive orders, appointments, and proclamations
 - Summaries of Attorney General requests for opinions and opinions
 - Miscellaneous documents (e.g., requests for proposal, error corrections, agency orders)
- Register must be made available to the public via the Internet at no charge.



3

3

Statutory Background: SOS Role in Agency Rulemaking and Open Meetings

Texas Government Code, Chapter 2002, Subchapter C: Texas Administrative Code

- SOS “shall compile, index, and publish a Texas Administrative Code.”
- TAC must contain each rule adopted by a state agency under Chapter 2001 – but not emergency rules.
- TAC must be made available to the public via the Internet at no charge, updated daily with new and revised rules – current to today’s date.



4

4

Statutory Background: SOS Role in Agency Rulemaking and Open Meetings

Texas Government Code, Chapter 551 (Open Meetings Act)

- General Rule: Notice of a meeting of a governmental body must be posted in a place that is readily accessible to the public for at least 72 hours before the scheduled time of the meeting. (Tex. Gov't Code § 551.043).
- Exception for State Governmental Bodies: SOS must post notice of a meeting of "a state board, commission, department, or officer having statewide jurisdiction" for at least 7 days before the day of the meeting – with certain specified exceptions. (Tex. Gov't Code § 551.044).
- The posting provisions for statewide entities also apply to the governing body of a water district or other district or political subdivision that extends into 4 or more counties. (Tex. Gov't Code § 551.053).

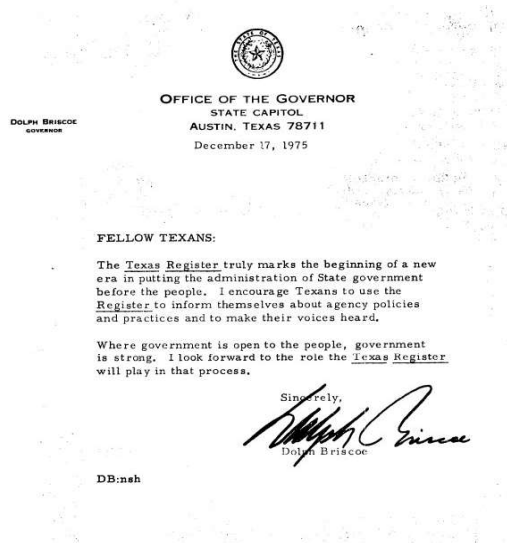


5

5

Texas Register

- Turns 50 years old in 2025
- Intended to achieve transparency in state government
- Model for other state registers



6

6



Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Texas Secretary of State: Helping Agencies Achieve Transparency for Texas

Also available as part of the eCourse

[2024 Advanced Texas Administrative Law eConference](#)

First appeared as part of the conference materials for the
19th Annual Advanced Texas Administrative Law Seminar session
"Secretary of State: Helping Agencies Achieve Transparency for Texas"