

GUIDING PRINCIPLES
Agency Review of Existing Rules
Texas Board of Professional Geoscientists
Under Texas Government Code – Administrative Procedures Act – Sec. 2001.039

- Rules are **consistent** with the **Texas Geoscience Practice Act** and **necessary** for the **performance** of the **Board’s duties** ([Geoscience Practice Act §1002.151](#))
- **Reasons** for the rule must still exist ([Texas Government Code §2001.039](#))
- Rules must have **clarity** (TBPG Board)
- Rules must have the ability to be **consistently applied** and be **enforceable** (TBPG Board)
- Rules must **add value** to our state and its people (TBPG Board)
- **Participation** in the process from **all stakeholders** (Board, agency staff, licensees, public) and all resources used to elicit participation (TBPG Board)
- TBPG rules include **statutory obligations** and **duties** of the Board or the agency, to the extent it is necessary
- Identifying and addressing any current rules/language that could unintentionally encourage, create, or be perceived as creating an **anti-competitive environment**, such as:
 - Regulating the scope of practice of persons in a profession or business the board regulates;
 - Restricting advertising by persons in a profession or business the board regulates;
 - If it affects the price of goods or services provided by persons in a profession or business the board regulates; or
 - Restricting participation in a profession or business the board regulates
- Duties and responsibilities shall be clearly defined; clearly separating the policy making responsibilities of **the board** and the management responsibilities of the **executive director** and the **staff of the board** (Act §1002.103)

For instance:

 - 1002.002(1) – “board” is TBPG
 - 1002.051(b) – nine members appointed by Governor and consent of Senate
 - 1002.101 – “Executive Director”... “manages the day-to-day affairs of the board”
 - 1002.101(1) – arrange/ supervise necessary support, secretarial, clerical services (ED)
 - 1002.101(9) – providing necessary investigative services (ED)
 - 1002.158(2) – the board may: employ personnel, contractors, consultants
 - By statute, there is a “board”, an “executive director”, and “staff of the board”
 - By statute, the ED shall manage “day-to-day affairs of the board” (1002.101), and shall have management responsibilities (1002.103), and shall provide “investigative services” (1002.101(9)).
 - For the board to delegate a responsibility to the ED, they could add in a rule, “XYZ is a management responsibility that shall be managed by the ED”