

AGENDA ITEM MEMO

BOARD MEETING DATE: January 18, 2024

TO: Board Members

THROUGH: Jeff Walker, Executive Administrator
Ashley Harden, General Counsel

FROM: Alexis Lorick, Assistant General Counsel

SUBJECT: Notice of adoption of a review of rules

ACTION REQUESTED

Consider authorizing the publication of an adoption of a review of rules in 31 Texas Administrative Code Chapter (TAC) 360.

BACKGROUND

On October 5, 2023, the Texas Water Development Board (TWDB) authorized the publication of several notices of intent to review TWDB rules throughout Title 31 of the TAC. This action proposes to publish notice of adoption of TWDB's review of the rules in Chapter 360.

KEY ISSUES

The TWDB is required pursuant to Texas Government Code (Tex. Gov't Code) § 2001.039 to review all existing rules every four years. Pursuant to that review, it must either re-adopt, re-adopt with amendments, or repeal existing rules. The TWDB has completed its review of the rules in Chapter 360 and recommends that the rules be re-adopted with amendments to be published in the future as the legal reasons for the rules continue to exist.

RECOMMENDATION

The Executive Administrator recommends the publication of an adoption of rule review for 31 TAC Chapter 360.

Attachment:

Notice of Adoption of Review of Rules to be filed with the *Texas Register*.

Our Mission	:	Board Members
Leading the state's efforts	:	Brooke T. Paup, Chairwoman George B. Peyton V, Board Member L'Oreal Stepney, P.E., Board Member
in ensuring a secure	:	
water future for Texas	:	Jeff Walker, Executive Administrator

Texas Water Development Board

Title 31, Part 10, Chapter 360

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 360.

This review is being conducted in accordance with the requirements of the Texas Government Code §2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years.

Notice of the review of the aforementioned chapter was published in the October 20, 2023, issue of the *Texas Register* (48 Tex Reg 6223). TWDB received no comments during the comment period.

TWDB conducted its review in accordance with the requirements of the Texas Government Code, §2001.039, which requires state agencies to review and consider for re-adoption each of their rules every four years. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule in these subchapters continued to exist and determined that the original reasons for adopting these rules continue to exist and re-adopts these rules. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 360. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.