

AGENDA ITEM MEMO

BOARD MEETING DATE: February 8, 2024

TO: Board Members

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

FROM: Kendal Kowal, Assistant General Counsel

SUBJECT: Notice of adoption of rule review for 31 TAC Chapter 359

ACTION REQUESTED

Consider authorizing the publication of an adoption of a review of rules in 31 Texas Administrative Code (TAC) Chapter 359.

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, Part 10 of the TAC. This item proposes to publish notice of adoption of TWDB's review of the rules in Chapter 359, related to the Texas Water Bank and Texas Water Trust.

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 359 and recommends that the rules be re-adopted, as the legal reasons for the rules continue to exist. Amendments may be published in the future.

RECOMMENDATION

The Executive Administrator recommends the publication of an adoption of rule review for 31 TAC Chapter 359 to comply with Tex. Gov't Code § 2001.039.

Attachment:

Notice of adoption of review of rules to be filed with the *Texas Register*

Texas Water Development Board

Title 31, Part 10, Chapter 359

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 359.

This review is being conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies to review and consider for readoption 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 TexReg 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 readoption each of their rules every four years. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule in this chapter continued to exist and determined that the original reasons for adopting these rules continue to exist and readopts these rules. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 359. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.