

AGENDA ITEM MEMO

BOARD MEETING DATE: January 18, 2024

TO: Board Members

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

FROM: Joe Reynolds, Assistant General Counsel

SUBJECT: 31 TAC Chapters 357 and 358 Rule Review Adoption

ACTION REQUESTED

Consider authorizing the publication of notices of adoption of rule review for 31 TAC Chapter 357 and 31 TAC Chapter 358.

BACKGROUND

On October 5, 2023, the Board authorized the publication of notices of intent to review Texas Water Development Board (TWDB) rules contained in 31 TAC Chapters 357 (Regional Water Planning) and 358 (State Water Planning Guidelines).

This action requests authorization to publish notice adopting the Agency's rule review.

KEY ISSUES

Texas Government Code §2001.039 requires the TWDB to review all rules every four years. After review, the agency must either re-adopt, re-adopt with amendments, or repeal existing rules.

The notices of intent to review were published in the October 20, 2023, edition of the Texas Register and provided a 31-day comment period. No comments were received.

After review of Chapters 357 and 358, the TWDB proposes to re-adopt the two chapters without amendments.

Our Mission

Leading the state's efforts
in ensuring a secure
water future for Texas

Board Members

Brooke T. Paup, Chairwoman | George B. Peyton V, Board Member | L'Oreal Stepney, P.E., Board Member
Jeff Walker, Executive Administrator

RECOMMENDATION

The Executive Administrator recommends the publication of notices in the Texas Register adopting the rule reviews of 31 TAC Chapters 357 and 358.

Attachments:

1. Proposed notice of adoption of rule review to be filed with the Texas Register for 31 TAC Chapter 357
2. Proposed notice of adoption of rule review to be filed with the Texas Register for 31 TAC Chapter 358

Texas Water Development Board

Title 31, Part 10, Chapter 357

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 357.

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 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 these subchapters continued to exist and determined that the original reasons for adopting these rules continue to exist and readopts this chapter. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 357.

Texas Water Development Board

Title 31, Part 10, Chapter 358

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 358.

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 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 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 this chapter. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 358.