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## AGENDA ITEM MEMO

**BOARD MEETING DATE:** May 9, 2024

**TO:** Board Members

**THROUGH:** Bryan McMath, Interim Executive Administrator  
Ashley Harden, General Counsel

**FROM:** Kendal Kowal, Assistant General Counsel

**SUBJECT:** Notice of adoption of rule review for 31 TAC Chapter 355

### **ACTION REQUESTED**

Consider authorizing the publication of an adoption of a review of rules in 31 Texas Administrative Code (TAC) Chapter 355.

### **BACKGROUND**

This action proposes to publish adoption of the TWDB's review of rules in Chapter 355 pursuant to the TWDB's rule review schedule. Chapter 355 covers the Research and Planning Fund, which may fund research contracts, flood protection planning contracts, economically distressed areas facility engineering, regional facility planning, regional water planning grants, and environmental flows grants. The flood protection planning contracts may include funds transferred from the Flood Infrastructure Fund.

### **KEY ISSUES**

The TWDB is required, pursuant to Texas Government Code § 2001.039, to review existing rules every four years. As part of its review, the TWDB must determine whether the factual, legal, and policy reasons for adopting the rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments. The TWDB reviewed Chapter 355 and determined that the factual, legal, and policy reasons for adopting the rules continue to exist and proposes to readopt the chapter without changes at this time. Any changes suggested pursuant to this rule review will be brought to the Board in the future as a formal rulemaking item.

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Leading the state's efforts  
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Brooke T. Paup, Chairwoman | George B. Peyton V, Board Member | L'Oreal Stepney, P.E., Board Member  
Bryan McMath, Interim Executive Administrator

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The notice of intent to review the rules in Chapter 355 was approved by the Board during the March 5, 2024 Board Meeting. The proposal was published in the March 15, 2024 issue of the *Texas Register* for a 30-day comment period. No comments were received.

**RECOMMENDATION**

The Executive Administrator recommends the publication of adoption of a review of rules in Chapter 355 to comply with Texas Government Code § 2001.039 and the TWDB's rule review schedule.

**Attachment(s):**

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

Texas Water Development Board

Title 31, Part 10, Chapter 355

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 355.

This review was 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 chapters was published in the March 15, 2024 issue of the *Texas Register* (49 TexReg 1740). TWDB received no comments during the comment period.

TWDB conducted its review 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. TWDB considered whether the initial factual, legal, and policy reasons for adopting each rule continued to exist and determined that the original reasons for adopting these rules continue to exist. TWDB readopts this chapter. This concludes TWDB's review of 31 TAC, Title 31, Part 10, Chapter 355. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.