

AGENDA ITEM MEMO

BOARD MEETING DATE: February 8, 2024

TO: Board Members

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

FROM: Michael Perez

SUBJECT: Notice of proposed rule review for 31 TAC Chapter 365

ACTION REQUESTED

Consider authorizing the publication of a notice of intent to review rules in 31 Texas Administrative Code (TAC) Chapter 365.

BACKGROUND

On December 15, 2022, the Texas Water Development Board (TWDB) adopted a schedule of review related to the TWDB's rules in 31 TAC Part 10. This action proposes to publish notice of the Agency's review of the rules in 31 TAC Chapter 365, pursuant to the review schedule. Chapter 365 governs the TWDB's program of financial assistance under the Rural Water Assistance Fund (RWAFF). Chapter 365 includes rules related to the application procedures and closing and release of funds under TWDB's RWAFF program.

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whether the factual, legal, and policy reasons for adopting the rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments. Any suggested rule changes identified pursuant to this review will be brought to the Board in a separate item for a formal rulemaking process.

RECOMMENDATION

The Executive Administrator recommends the publication of a notice to review certain rules in 31 TAC Chapter 365 in order to comply with Texas Government Code § 2001.039.

Attachment:

Notice 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 365

The Texas Water Development Board (TWDB) files this notice of intent to review the rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 365.

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.

The TWDB will consider whether the initial factual, legal, and policy reasons for adopting each rule in these chapters continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.

Written comments on this notice may be submitted by mail to Office of General Counsel, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231, by email to rulescomments@twdb.texas.gov, or by fax to (512) 475-2053. Comments will be accepted until 5:00 p.m. of the 31st day following publication in the Texas Register. Include "Chapter 365" in the subject line of any comments submitted.