

## AGENDA ITEM MEMO

**BOARD MEETING DATE:** March 5, 2024

**TO:** Board Members

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

**FROM:** Marshall Walters, Assistant General Counsel

**SUBJECT:** Notice of adoption of rule review for 31 TAC Chapters 371 and 375

### ACTION REQUESTED

Consider authorizing the publication of an adoption of a review of rules in 31 Texas Administrative Code (TAC) Chapters 371 and 375.

### 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 Chapters 371 and 375.

### 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 Chapters 371 and 375 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 Chapters 371 and 375 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 371

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 371.

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 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 371.

Texas Water Development Board

Title 31, Part 10, Chapter 375

The Texas Water Development Board (TWDB) files the adoption of its review of rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 375.

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 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 375.