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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: Michael Perez, Assistant General Counsel

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

ACTION REQUESTED

Consider authorizing the publication of an adoption of a review of rules in 31 Texas Administrative Code (TAC) Chapter 365.

BACKGROUND

On February 8, 2024, the Texas Water Development Board (TWDB) authorized the publication of intent to review the TWDB rules in 31 TAC Chapter 365. This item proposes to publish notice of adoption of TWDB's review of the rules in Chapter 365, which govern the TWDB's program of financial assistance under the Rural Water Assistance Fund (RWAF).

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 365 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 365 to comply with Tex. Gov't Code § 2001.039.

Attachment(s):

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

Our Mission	:	Board Members
Leading the state's efforts in ensuring a secure water future for Texas	:	Brooke T. Paup, Chairwoman George B. Peyton V, Board Member L'Oreal Stepney, P.E., Board Member Bryan McMath, Interim Executive Administrator

Texas Water Development Board

Title 31, Part 10, Chapter 365

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

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 February 23, 2024, issue of the *Texas Register* (49 TexReg 1106). 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 365. Changes to the rules identified as part of this review process may be addressed in a separate rulemaking.