

AGENDA ITEM MEMO

BOARD MEETING DATE: March 5, 2024

TO: Board Members

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

FROM: Kendal Kowal, Assistant General Counsel

SUBJECT: Notice of proposed rule review for 31 TAC Chapter 355

ACTION REQUESTED

Consider authorizing the publication of a notice of intent to review rules in 31 Texas Administrative Code (TAC) Chapter 355.

BACKGROUND

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the factual, legal, and policy reasons for adopting the rules continue to exist and whether the rules should be repealed, readopted, or readopted with amendments.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

The notice of intent to review rules will be published in the *Texas Register* and open for a 30-day public comment period.

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RECOMMENDATION

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

Attachment:

Notice 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 this notice of intent to review the rules in 31 Texas Administrative Code, Title 31, Part 10, Chapter 355.

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 re adoption each of their rules every four years.

TWDB will consider whether the initial factual, legal, and policy reasons for adopting each rule in this chapter continue to exist and whether these rules should be repealed, readopted, or readopted with amendments.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 355" in the subject line of any comments submitted.