

PROPOSED RULE

House Bill 2443 recently became effective that requires districts to amend their rules by December 1, 2023 to implement the new provision in Section 36.1025 (pasted below).

Sec. 36.1025. PETITION TO CHANGE RULES. (a) A person with a real property interest in groundwater may petition the district where the property that gives rise to the real property interest is located to adopt a rule or modify a rule adopted under this chapter.

(b) The district by rule shall prescribe the form for a petition submitted under this section and the procedure for the submission, consideration, and disposition of the petition.

(c) Not later than the 90th day after the date the district receives the petition, the district shall:

(1) deny the petition and provide an explanation for the denial; or

(2) engage in rulemaking consistent with the granted petition.

(d) Nothing in this section may be construed to create a private cause of action for a decision to accept or deny a petition filed under this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 504 (H.B. [2443](#)), Sec. 1, eff. September 1, 2023.

The rule proposed for the district to adopt to implement House Bill 2443/36.1025 is as follows:

Rule 1.12 PETITION FOR RULEMAKING:

- (a) A person with a real property interest in groundwater in the District may file a petition with the District to request the adoption or modification of a rule.
- (b) Petitions must be submitted in writing to the District office and must comply with the following requirements:
 - (1) each petition must be signed and state the name and address of each person signing the petition;
 - (2) each petition must include:
 - (A) a brief description of the petitioner's real property interest in groundwater in the District;
 - (B) the text of the proposed rule prepared in a manner to show the words to be added or deleted from the text of a current rule, if any; and

(C) explanation of the purpose and necessity of the proposed rule or modification to the current rule.

(c) The District may reject any petition for failure to comply with the requirements of Subsection (b) of this section and shall provide notice to the petitioner of the reason for the rejection.

(d) Within 90 days after submission of a petition that complies with this rule, the Board shall either deny the petition and provide a written explanation for the denial, or initiate rulemaking proceedings related to the petition as provided by Section 36.101, Water Code.