



Following discussions and proposed legislation during the 87th session, TAGD – through its Legislative Committee – developed this model rule. It is intended as a potential template and resource in the event a district opts to add a provision to their rules that establishes a process by which a person may petition a district to request adoption of a rule. A district may opt to utilize this model rule in part, in its entirety, or not at all, as there is no currently legal requirement for district rules to include such a provision.

MODEL RULE FOR A 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 of a rule.

Commented [TAGD1]: CONSIDERATION: Districts may opt to require multiple signatures on a petition.

(b) Petitions must be submitted in writing to the District office and must comply with the following requirements:

- (1) each rule requested must be submitted by separate petition;
- (2) each petition must be signed and state the name and address of each person signing the petition;
- (3) each petition must include:
 - (A) a brief description of the petitioner’s real property interest in groundwater in the District;
 - (B) a brief explanation of the proposed rule;
 - (C) the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the text of the current rule, if any; and
 - (D) an allegation of injury or inequity that could result from the failure to adopt the proposed rule.

(c) The General Manager 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 120 days after submission of a petition that complies with this section, the Board shall either deny the petition, stating its reasons for denial in the minutes of the board meeting or in

Commented [TAGD2]: CONSIDERATION: Districts may opt to set different deadlines for action; this is a maximum recommended deadline to accommodate those districts that meet quarterly.

a letter providing a written explanation to the petitioner, or initiate rulemaking proceedings as provided by Section 36.101, Water Code.

