

# High Plains Underground Water Conservation District No. 1

## Notice of Public Hearing

In compliance with Chapter 36 of the Texas Water Code, the High Plains Underground Water Conservation District No. 1 (HPWD) Board of Directors will receive public comment on proposed revisions to the Rules of the High Plains Underground Water Conservation District No. 1 at the following public hearing:

November 14, 2023, at 1:00 p.m. at the HPWD Office located at 2930 Avenue Q, Lubbock, TX 79411.

The proposed revisions include:

**ADDING:**

- Rule 8.5 Petition for Rulemaking

This addition is a response to HB 2443 passed by the 88<sup>th</sup> Texas Legislature. NO other changes are proposed.

A complete copy of the current HPWD rules and provisions is available for public inspection at the HPWD office, 2930 Avenue Q, Lubbock, TX 79411, or by calling (806) 762-0181. These documents are also available online at [www.hpwd.org](http://www.hpwd.org).

Written comments regarding the proposed rule revision should be sent to Manager Jason Coleman and delivered prior to the November 14 public hearing. Comments may also be submitted by email at [rulecomments@hpwd.org](mailto:rulecomments@hpwd.org).

## 8.5 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.

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 a 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 Board 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 the 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 a letter providing a written explanation to the petitioner, or initiate rulemaking proceedings as provided by Section 36,101, Water Code.

NOTES: Section 8.5 is new language and is a response to HB 2443, passed by the 88<sup>th</sup> Texas Legislature. NO other changes to HPWD rules are proposed. The text of HB 2443 is as follows:

H.B. No. 2443

### AN ACT

relating to the authority of certain persons to petition a groundwater conservation district to change certain rules.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 36, Water Code, is amended by adding Section 36.1025 to read as follows:

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.

SECTION 2. Not later than December 1, 2023, a groundwater conservation district shall adopt rules to implement Section 36.1025, Water Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2023.

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