

**Recommended Changes to Hemphill County Underground Conservation District's
Rules Necessitated by HB 2443 (2023)**

(prepared by Kemp Smith LLP)

(Oct. 9, 2023)

To be inserted immediately following Rule 9.215:

9.217 Petition for Rulemaking

(a) A person with a real property interest in groundwater arising from property located within the District may file a petition with the District to request the adoption or modification of a rule.

(b) Petitions under this rule must be submitted to the District office in writing on the prescribed form prescribed by the District and must comply with the following requirements:

(1) A separate petition must be filed for each general topic proposed to be addressed by a rule modification or change;

(2) Each petition must be signed and state the full name of each and every person signing the petition and each person's contact information, including phone number, physical address, mailing address, and email, if any;

(3) Each petition must include:

(A) proof that the person or persons submitting the petition has a real property interest in groundwater arising from property located within the District;

(B) a written explanation of the proposed rule or rule modification's intended purpose;

(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 District will provide notice of the Board's consideration of and action on a petition in accordance with District Rule 9.207.

(d) Any person with a real property interest in groundwater arising from property located within the District may provide written public comment on the petition to the District in compliance with the procedures set forth in District Rule 9.209.

(e) Notice of the Board's consideration of and action on a petition shall be included on a Board agenda in accordance with the Texas Open Meetings Act.

(f) Any person desiring to provide comment on a petition during a hearing must so indicate on the registration form provided at the hearing. The presiding officer establishes the order of comments and may limit the number of times a person may speak, and the time period for oral presentations. The presiding officer may also limit or exclude questions and cumulative, irrelevant, or unduly repetitious presentations.

(g) Within 90 days after submission of a petition that complies with this rule, the Board shall consider the petition at a Board meeting and either:

(1) grant the petition in part or in its entirety and initiate rulemaking proceedings on the subject matter identified in the granted petition in accordance with rulemaking procedure set forth in this subchapter; or

(2) deny the petition in part or in its entirety and provide an explanation for denial in the minutes of the Board meeting or in a separate written statement to be kept in the District's records.