

PECAN VALLEY GROUNDWATER CONSERVATION DISTRICT  
NOTICE OF HEARING ON DISTRICT RULES  
NOVEMBER 21, 2023

**NOTICE IS HEREBY GIVEN** to all interested persons in DeWitt County, Texas:

That the Board of Directors of the Pecan Valley Groundwater Conservation District (“District”) will hold a public hearing to discuss, consider, receive public comments, and potentially act upon adoption of amendments to the District’s Rules. The proposed amendments to the Rules include changes and/or additions related to the following: implementation of recent legislative changes enacted by the Texas Legislature in House Bill 2443 (2023, Regular Session), which require the District to adopt a process related to rulemaking petitions; and organizational and conforming changes related to same.

The hearing will be held on Tuesday, November 21, 2023, at 9:00 a.m. at the District’s office located at 1009 N. Esplanade St., Cuero, Texas 77954. Comments on the proposed Rules may be presented in written or verbal form at the hearing, and persons interested in submitting written comments on the proposed Rules in advance may do so by sending comments to the District at 1009 N. Esplanade St., Cuero, Texas 77954. Any person who desires to appear at the hearing and present comments may do so in person, by legal representative, or both. The hearing posted in this notice may be recessed from day to day or continued where appropriate. At the conclusion of this hearing or any time or date thereafter, the proposed Rules may be adopted in the form presented or as amended based upon comments received from the public, District staff, consultants, or members of the Board without any additional notice or hearing.

A copy of the proposed Rules will be available not later than 20 days before the date of the hearing by requesting a copy by email to [director@pvgcd.org](mailto:director@pvgcd.org), by accessing the District’s website at [www.pvgcd.org](http://www.pvgcd.org), or by reviewing or copying the proposed Rules in person at 1009 N. Esplanade St., Cuero, Texas 77954. The District is committed to compliance with the Americans with Disabilities Act (ADA). Any person who needs special accommodations should contact District staff at (361) 275-8188 at least 24 hours in advance if accommodation is needed. Any person who wishes to receive more detailed information on this notice should contact District staff at (361) 275-8188.

**END OF NOTICE**

## **PROPOSED RULE TO IMPLEMENT LEGISLATIVE CHANGES**

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 1.5 Petition to Change Rules**

(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.

- (3) 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.
- (4) 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.