

Subchapter O. RULEMAKING

§22.282. Notice and Public Participation in Rulemaking Procedures.

- (a) **Initial Comments.** Prior to publishing a proposed rule or initiating a major amendment to an existing rule, the commission may solicit comments on the need for a rule and potential scope of the rule by publication of a notice of rulemaking project in the "In Addition" section of the Texas Register. A notice filed pursuant to this section shall contain a brief description and statement of the intended objective of the proposed rule and indicate if a draft of the proposed rule is available for review by interested persons. Unless otherwise prescribed by the commission, any comments concerning the rulemaking project shall be due within 30 days from the date of publication of the notice. The commission may hold workshops and/or public hearings on the rulemaking project.
- (b) **Notice.** The commission may initiate a rulemaking project by publishing notice of the proposed rule in accordance with APA, §2001.021 - 2001.037.
- (c) **Public Comments.** Prior to the adoption of any rule, the commission shall afford all interested persons reasonable opportunity to submit data, views, or arguments in writing. Written comments must be filed within 30 days of the date the proposed rule is published in the *Texas Register* unless the commission establishes a different date for submission of comments. The commission may also establish a schedule for reply comments if it determines that additional comments would be appropriate or helpful in reaching a decision on the proposed rule.
- (d) **Public Hearing.** The commission may schedule workshops or public hearings on the proposed rule. An opportunity for public hearing shall be granted if requested by at least 25 persons, by a governmental subdivision or agency, or by an association having at least 25 members. The request for public hearing must be made no later than 30 days after the date the proposed rule is published in the *Texas Register*, unless the commission establishes a different date for requesting a public hearing.
- (e) **Staff Recommendation.** Staff's final recommendation shall be submitted to the commission and filed in central records at least seven days prior to the date on which the commission is scheduled to consider the matter, unless some other date is specified by the commission. Staff will notify all persons who have filed comments concerning the proposed rule of the filing of staff's final recommendation.
- (f) **Final Adoption.** Following consideration of comments, the commission will issue an order adopting, adopting as amended, or withdrawing the rule within six months after the date of publication of the proposed rule or the rule is automatically withdrawn.