

TREO Rulemaking Guide

Appendix F-3 – Adopted Rules Notice Template

Instructions

- This template is used to draft the Adopted Rules Notice for the *Texas Register*. It includes the elements required by Government Code Chapters 2001 and 2002.
- Legal citations are included in parentheses for reference purposes.
- Instructions for each section are highlighted in yellow.
- Complete the Adopted Rules Notice using the template language provided below and the information included in the Adoption Order and the Adoption Justification.
- For the most part, the same text that was included in the Adoption Justification will be included in the Adopted Rules Notice, unless public comments were received and/or rule changes were made by the agency’s governing body at adoption. Add additional text to the Adopted Rules Notice, as necessary.
- Before finalizing the adopted rules notice:
 - remove the “OPENING” heading (this heading is not published in the *Texas Register*);
 - retain all other headings (they will be included in the *Texas Register* notice); and
 - remove the instructions, legal citations, and any unused template language.

Start of Template

OPENING

(Authority: Government Code [Section 2002.017](#); and 1 TAC [Section 91.36\(d\)](#))

Insert the same opening text that was included in the Adoption Justification.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

(Authority: Government Code [Section 2001.024\(a\)\(1\)](#)) and (a)(3); and [Section 2001.033](#). This template includes elements required in the proposed rules notice (explanation) and in the adoption notice (justification). The explanation and justification are included upfront in the proposed rules notice and again in the adoption notice.)

Insert the same “Explanation and Justification” language from the Adoption Justification.

For this section of the preamble, the text needs to refer to the rules as “adopted” rules.

SECTION-BY-SECTION SUMMARY

(Authority: Government Code [Section 2001.024\(a\)\(1\)](#)) and (a)(3); and [Section 2001.033](#). This template includes elements required in the proposed rules notice and in the adoption notice. These elements are included upfront in the proposed rules notice and again in the adoption notice.)

Insert the same “Section-by-Section Summary” language from the Adoption Justification.

If changes were made to the proposed rules by the agency’s governing body at the time of adoption, add language summarizing those changes in each of the affected sections in the Section-by-Section Summary. These changes will also be included or referenced in the “[Insert Name of Agency Governing Body] Action” section below.

For this section of the preamble, the text needs to refer to the rules as “adopted” rules.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

(Authority: Government Code [Section 2001.024\(a\)\(7\)](#), [Section 2001.024\(a\)\(8\)](#), [Section 2001.029](#), and [Section 2001.033](#))

Insert the same “Public Comments and Information Related to the Cost, Benefit, or Effect of the Proposed Rules” language from the Adoption Justification.

Summary of the Public Comments:

If written or oral public comments are received before or during the governing body’s public meeting, they must be included in this section. Any information received regarding the proposed rules will be treated and handled as public comments. “Public comments” include “traditional” public comments and information related to the cost, benefits, or effect of the proposed rules, including any applicable data, research, or analysis.

All public comments (written and oral) must be considered and addressed. Each individual comment may be summarized, or similar comments may be grouped together and summarized. The summaries must show the names of interested groups or associations, but do not include the names of individuals. The summaries must state whether the persons are for or against the proposed rules, if that information is included in the comments.

For written public comments, obtain copies of the comments that were submitted before or during the governing body’s public meeting. For oral public comments, obtain copies of the public comment forms that were submitted during the public meeting and re-watch the public meeting video for the substance of the comments. Specify in the comment summary whether the comment was provided before or during the governing body’s public meeting and whether the comment was written or oral.

Agency’s Response to the Public Comments:

The agency must respond to all public comments (written and oral). Any information received regarding the proposed rules will be treated and handled as public comments. “Public comments” include “traditional” public comments and information related to the cost, benefits, or effect of the proposed rules, including any applicable data, research, or analysis.

The agency’s response to a public comment must state: (1) whether the agency agrees or disagrees

with the comment (or appreciates the comment in support of the proposed rule); (2) the reasons why the agency disagrees with the comment; and (3) whether the agency made any changes to the proposed rules as a result of the comment.

In this section of the preamble, the text still needs to refer to the rules as “proposed” rules, instead of “adopted” rules.

Template Language:

Comment: [Insert a summary of the comment received before or during the governing body’s public meeting.]

Agency Response: [Insert the agency’s response to the comment.]

ADVISORY BOARD/COMMITTEE RECOMMENDATIONS (if applicable)

If applicable, insert the same “Advisory Board/Committee Recommendations” language from the Adoption Justification. If this is not applicable, remove the heading above and this section.

In this section of the preamble, the text still needs to refer to the rules as “proposed” rules, instead of “adopted” rules.

[INSERT NAME OF AGENCY GOVERNING BODY] ACTION

Insert information about the agency’s governing body public meeting, any changes to the proposed rules made by the governing body, and the governing body’s action or vote on the proposed rules. (See Adoption Order.) Any changes to the proposed rules will also be summarized in the “Section-by-Section Summary” section above.

In this section of the preamble, the text still needs to refer to the rules as “proposed” rules, instead of “adopted” rules.

Below are a few template options. Additional information may be included in this section.

At its meeting on [insert date], the [Insert Name of Agency Governing Board] adopted the proposed rules as published in the *Texas Register* [and as recommended by the [Insert Name of Advisory Board/Committee]].

At its meeting on [insert date], the [Insert Name of Agency Governing Board] adopted the proposed rules with changes to Section ____ as published in the *Texas Register* [and as recommended by the [Insert Name of Advisory Board/Committee]]. These changes are explained in the Section-by-Section Summary.

At its meeting on [insert date], the [Insert Name of Agency Governing Board] did not accept the recommendations of the [Insert Name of Advisory Board/Committee] and adopted the proposed rules [as published in the *Texas Register* OR with changes to Section ____ as published in the

Texas Register. These changes are explained in the Section-by-Section Summary.]

STATUTORY AUTHORITY

(Authority: Government Code [Section 2001.024\(a\)\(3\)](#), [\(a\)\(3\)\(A\)](#), [\(a\)\(3\)\(B\)](#), and [\(a\)\(3\)\(C\)](#); [Section 2001.033\(a\)\(2\)](#). This template includes elements required in the proposed rules notice and in the adoption notice. All statutory authority requirements are included upfront in the proposed rules notice and again in the adoption notice.)

Insert the same “Statutory Authority” language from the Adoption Justification.

For this section of the preamble, the text needs to refer to the rules as “adopted rules.”

****INSERT FORMATTED RULES TEXT HERE****

(Authority: Government Code [Section 2002.017](#); and 1 TAC [Section 91.36](#))

Insert the same “Formatted Rule Text” from the Adoption Justification. Incorporate any additional rule changes made by the agency’s governing body at the time of adoption.

[Insert the text of the adopted rules per *Texas Register* formatting standards.]

REVIEW BY AGENCY COUNSEL

(Authority: Government Code [Section 2001.033\(a\)\(3\)](#))

Insert and complete the following two sentences and signature line.

NOTE: This is the *Texas Register* boilerplate certification language that is used for all state agencies’ adopted rules.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency’s legal authority.

Filed with the Office of the Secretary of State, on [insert filing date].

[Insert Name]
[Insert Title]
[Insert Agency Name]