

§31.3 Petition for the Adoption of a Rule.

(a) Purpose. This section provides procedures for any interested person (petitioner) to request the Alcoholic Beverage Commission (commission) to adopt a rule.

(b) Content of Petition.

(1) The petition must be in writing. No form is required but all information must be provided, or a reason why required information cannot be provided given.

(2) The petition must contain the following:

(A) petitioner's name, address, ~~and~~ organization or affiliation, if any, and the name of the person or entity on whose behalf the petition is filed, if different from the person submitting the petition;

(B) a plain and brief statement about why a rule or change in an existing rule is needed, required, or desirable, including the public good to be served and any ~~effect~~ ~~affect~~ on those who would be required to comply with the rule;

(C) an estimate of the fiscal impact on state and local government as a result of enforcing or administering the proposed rule, an estimate of the economic impact on persons required to comply with the proposed rule, whether there may be an ~~effect~~ ~~affect~~ on local employment, and the facts, assumptions and methodology used to prepare estimates and impacts required by this subparagraph;

(D) a statement on the commission's authority to adopt the proposed rule;

(E) the proposed text of a new rule, or proposed changes to an existing rule;

and

(F) a list of individuals, organizations or affiliations that may be interested or affected by the proposed rule, if known.

(c) Submission. A petition is submitted on the date it is received by the Administrator. The petition must be addressed to the Administrator, Texas Alcoholic Beverage Commission, and mailed to P.O. Box 13127, Austin, Texas 78711-3127, or hand delivered to the Administrator at commission headquarters in Austin, Texas.

(d) Review. The Administrator will review the petition for compliance with the requirements of this section. If all requirements of this section are met, the Administrator will bring the petition to the commission, or any member of the commission for consideration.

(e) Decision to Deny or Accept. The commission will deny a petition for rulemaking, or accept, in whole or in part, a petition for rulemaking within 60 days from the date the petition is submitted. If the commission neither denies nor accepts the petition within 60 days from the date it is submitted, agency staff will initiate the rulemaking process under Chapter 2001, Subchapter B, of the Government Code. In such case, agency staff may redraft the proposed text to conform to style and format requirements for the agency's rules.

(1) The ~~Administrator~~ ~~commission~~ will notify the petitioner in writing if the petition is denied and state the reason or reasons for the denial.

(2) The commission will refer an accepted petition to agency staff to initiate the rulemaking process under Chapter 2001, Subchapter B, of the Government Code. Agency staff may redraft the proposed text to conform to style, format and policy decisions of the agency.

(f) Repetitive petitions.

~~(4)~~ The ~~Administrator~~ ~~administrator~~ may refuse to bring a petition for rulemaking to the commission if, within the preceding year ~~six months~~, the commission has considered ~~and denied~~ a previously submitted petition for the same or substantively the same rule.

MW 2.27.15

~~(2) A subsequent petition for a rule that is the same or substantively similar to a rule that has been accepted will be consolidated into the rulemaking process.~~