

Chapter: Agency Management and Operations	Effective Date: 10/1/16 Page: 1 of 1 Replaces: GAP.385.8107, 12/31/96
Subchapter: Interaction with the Public	
Rule: Petition for Adoption of a Rule	
ACA: N/A	
Statutes: Gov't Code §2001.021	

RULE

(a) **Purpose.**

This rule provides a procedure for any person to petition the Texas Juvenile Justice Department (TJJD) to adopt a rule in compliance with the requirements of the Administrative Procedure Act.

(b) **Submission of the Petition.**

- (1) Any individual, partnership, corporation, association, governmental subdivision, or public or private organization that is not a state agency may petition TJJD to adopt a rule.
- (2) The petition must:
 - (A) be mailed or delivered to the executive director of TJJD at his/her office;
 - (B) be in writing;
 - (C) contain the petitioner's name and address; and
 - (D) describe the rule and the reason for the petition.
- (3) If the executive director of TJJD determines further information is necessary to assist TJJD in reaching a decision, the executive director may require the petitioner to resubmit the petition with:
 - (A) a brief explanation of the proposed rule;
 - (B) the text of the proposed rule prepared in a manner that demonstrates the words to be added to or deleted from the current text, if any;
 - (C) the statutory authority or other authority under which the proposed rule is to be promulgated; and
 - (D) the public benefits anticipated as a result of adopting the proposed rule or the anticipated public injury or inequity which could result from the failure to adopt the proposed rule.

(c) **Consideration and Disposition of the Petition.**

- (1) Within 60 days after receiving the petition under subsection (b)(2) or (b)(3) of this section, TJJD must deny the petition or initiate a rulemaking proceeding in accordance with the Administrative Procedure Act.
- (2) If TJJD denies the petition, the executive director must give the petitioner written notice of TJJD's denial, stating the reasons for the denial.

(d) **Subsequent Petitions to Adopt the Same Rule.**

All initial petitions for the adoption of a rule are presented to and decided by TJJD in accordance with the provisions of subsections (b) and (c) of this section. The executive director may refuse to consider any subsequent petition for the adoption of the same rule submitted within six months after the date of TJJD's receipt of the initial petition under subsection (b)(2) of this section.
