

## **BILL ANALYSIS**

C.S.H.B. 3769  
By: Puente  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Chapter 5, Water Code, which is the authorizing statute for the Texas Commission on Environmental Quality (TCEQ), and Chapter 6, Water Code, which is the authorizing statute for the Texas Water Development Board (TWDB), both have eligibility requirements for membership. The eligibility requirements are designed to ensure that a person that owns or has a financial interest in an entity regulated by the TCEQ or TWDB cannot be involved in the regulation of that entity. Under other chapters of the Water Code and Health and Safety Code, a political subdivision may be required to obtain a permit from TCEQ or apply for financial assistance from the TWDB. Unless the eligibility requirements are clarified, political subdivision employees, who do not own or have a financial interest in the political subdivision, could be excluded from an opportunity for public service as a TCEQ commissioner or member of the TWDB. C.S.H.B 3769 provides that certain eligibility requirements for membership, for purposes of Chapters 5 and 6 of the Water Code, do not apply to an employee of a political subdivision of this state.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

This bill amends Sections 5.053 and 6.053, Water Code, by adding subsections to provide that the eligibility requirements in Sections 5.053 (a) (2) and 6.053 (b) (1) do not apply to an employee of a political subdivision of this state.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

Language in the introduced version amending Section 5.001 and 6.001, Water Code, to provide that a "business entity or other organization" does not apply to a political subdivision is removed. Rather, the substitute amends Sections 5.053 and 6.053, Water Code, by adding subsections to provide that the eligibility requirements in Sections 5.053 (a) (2) and 6.053 (b) (1) do not apply to an employee of a political subdivision of this state.