

BILL ANALYSIS

C.S.H.B. 4218
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires the attorney general to represent the Texas Commission on Environmental Quality in all matters before the state courts and any court of the United States.

C.S.H.B. 4218 requires the attorney representing the municipality to represent the municipality as regulatory authority in all matters before the state courts and any court of the United States.

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

C.S.H.B. 4218 amends the Water Code to require the municipal attorney or other appropriate attorney representing the municipality to represent the municipality in all matters before the state courts and any court of the United States if the municipality exercises its jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility within its corporate limits.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4218 adds a provision not in the original relating to the jurisdiction of a municipality over all water and sewer utility rates, operations, and services to require the municipal attorney or other appropriate attorney representing the municipality to represent the municipality in all matters before the state courts and any court of the United States if the municipality exercises its jurisdiction as a regulatory authority. The substitute omits a provision in the original requiring the attorney general or municipal attorney, as appropriate, to represent the regulatory authority under state law relating to water rates and services in all matters before the state courts and any court of the United States.