

By: Legler

H.B. No. 1318

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the eligibility, service, and removal of persons
3 appointed to the Texas Commission on Environmental Quality.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 5.053(a), Water Code, is amended to read
6 as follows:

7 (a) A person may not be a member of the commission if the
8 person or the person's spouse:

9 (1) is registered, certified, licensed, permitted, or
10 otherwise authorized by the commission; or

11 ~~(2) [is employed by or participates in the management~~
12 ~~of a business entity or other organization regulated by the~~
13 ~~commission or receiving money from the commission;~~

14 ~~[(3) owns or controls, directly or indirectly, more~~
15 ~~than a 10 percent interest in a business entity or other~~
16 ~~organization regulated by or receiving funds from the commission;~~
17 ~~or~~

18 ~~[(4)]~~ uses or receives a substantial amount of
19 tangible goods, services, or money from the commission other than
20 compensation or reimbursement authorized by law for commission
21 membership, attendance, or expenses.

22 SECTION 2. Section 5.054(a), Water Code, is amended to read
23 as follows:

24 (a) It is a ground for removal from the commission that a

1 member:

2 (1) does not have at the time of taking office the
3 qualifications required by Section 5.053(b);

4 (2) does not maintain during the service on the
5 commission the qualifications required by Section 5.053(b);

6 (3) is ineligible for membership under Section
7 5.053(a), 5.059, or 5.060;

8 (4) cannot, because of illness or disability,
9 discharge the member's duties for a substantial part of the member's
10 term; ~~[or]~~

11 (5) is absent from more than one-half of the regularly
12 scheduled commission meetings that the member is eligible to attend
13 during each calendar year without an excuse approved by a majority
14 vote of the commission; or

15 (6) failed to comply with Section 5.061.

16 SECTION 3. Subchapter C, Chapter 5, Water Code, is amended
17 by adding Section 5.061 to read as follows:

18 Sec. 5.061. RECUSAL OF COMMISSION MEMBERS. (a) If a
19 matter comes before the commission and a member is employed by,
20 participates in the management of, or has a substantial financial
21 interest in a business entity or other organization that has a
22 direct interest in that matter, that member shall:

23 (1) disclose the fact of that employment, management,
24 or interest to the commission;

25 (2) recuse himself or herself from the commission's
26 deliberations and actions on the matter; and

27 (3) abstain from voting on the matter or otherwise

1 participating in a decision on the matter.

2 (b) The fact that a member is recused from a vote or decision
3 by application of this section does not affect the existence of a
4 quorum.

5 SECTION 4. Section 5.053(c), Water Code, is repealed.

6 SECTION 5. This Act takes effect September 1, 2009.