

## **BILL ANALYSIS**

Senate Research Center

H.B. 3769  
By: Puente (Averitt)  
Natural Resources  
5/18/2007  
Committee Report (Amended)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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 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 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 TWDB.

H.B. 3769 provides that certain eligibility requirements for membership, for purposes of Chapters 5 and 6, Water Code, do not apply to an employee of a political subdivision of this state.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 5.053, Water Code, by adding Subsection (c), to provide that Subsection (a)(2) does not apply to an employee of a political subdivision of this state.

SECTION 2. Amends Section 6.053, Water Code, by adding Subsection (c), to provide that Subsection (b)(1) does not apply to an employee of a political subdivision of this state.

SECTION 3. Effective date: upon passage or September 1, 2007.

### **SUMMARY OF COMMITTEE CHANGES**

Committee Amendment No. 1:

Amends SECTION 1 of the bill, in amended Section 5.053, Water Code (Engrossed Version, page 1, line 9), by adding Subsection (c) to provide that this subsection does not apply if the United States Environmental Protection Agency determines that there will be a negative impact on the State of Texas' National Pollution Discharge Elimination Systems delegation.