

By: Birdwell

S.B. No. 2203

A BILL TO BE ENTITLED

AN ACT

relating to rules providing for certification of issues to the Texas Commission on Environmental Quality in contested cases referred to the State Office of Administrative Hearings by the commission.

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

SECTION 1. Section 2003.047(i), Government Code, is amended to read as follows:

(i) The office and the commission jointly shall adopt rules providing for certification to the commission of an issue that involves an ultimate finding of compliance with or satisfaction of a statutory standard the determination of which is committed to the discretion or judgment of the commission by law. Each agency shall publish the jointly adopted rules. The rules must:

(1) address, at a minimum, the issues that are appropriate for certification and the procedure to be used in certifying the issue; and

(2) provide that any issue raised by a party relating to the scope of discovery under Subsection (g) shall be promptly certified by the administrative law judge to the commission. [~~Each agency shall publish the jointly adopted rules.~~]

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2025.