

1-1 By: Birdwell S.B. No. 2203
1-2 (In the Senate - Filed March 11, 2025; March 25, 2025, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 28, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 28, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE			
1-8		Yea	Nay	Absent
1-9	Birdwell	X		
1-10	Zaffirini			X
1-11	Alvarado	X		
1-12	Blanco	X		
1-13	Flores	X		
1-14	Hancock	X		
1-15	Hughes	X		
1-16	Parker	X		
1-17	Sparks	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2203 By: Birdwell

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the certification of discovery issues to the Texas
1-22 Commission on Environmental Quality in contested cases referred to
1-23 the State Office of Administrative Hearings by the commission.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 2003.047, Government Code, is amended by
1-26 amending Subsection (i) and adding Subsection (i-4) to read as
1-27 follows:

1-28 (i) The office and the commission jointly shall adopt rules
1-29 providing for certification to the commission of an issue that
1-30 involves an ultimate finding of compliance with or satisfaction of
1-31 a statutory standard the determination of which is committed to the
1-32 discretion or judgment of the commission by law. Each agency shall
1-33 publish the jointly adopted rules. The rules must:

1-34 (1) address, at a minimum, the issues that are
1-35 appropriate for certification and the procedure to be used in
1-36 certifying the issue; and

1-37 (2) provide that any issue raised by a party relating
1-38 to the scope of discovery under Subsection (g) shall be promptly
1-39 certified by the administrative law judge to the commission. ~~[Each~~
1-40 ~~agency shall publish the jointly adopted rules.]~~

1-41 (i-4) Following the certification to the commission of an
1-42 issue raised by a party relating to the scope of discovery under
1-43 Subsection (g), the administrative law judge may abate the deadline
1-44 specified by Subsection (e-2) until the first business day after
1-45 the date the commission's determination on the certified issue
1-46 becomes final.

1-47 SECTION 2. This Act takes effect immediately if it receives
1-48 a vote of two-thirds of all the members elected to each house, as
1-49 provided by Section 39, Article III, Texas Constitution. If this
1-50 Act does not receive the vote necessary for immediate effect, this
1-51 Act takes effect September 1, 2025.

1-52 * * * * *