

BILL ANALYSIS

H.B. 3249
By: Darby
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that the Texas Commission on Environmental Quality (TCEQ) contracts with the State Office of Administrative Hearings to conduct administrative hearings, that an administrative law judge presides over these hearings and makes decisions that are forwarded to the TCEQ as a proposal for decision, and that TCEQ commissioners will either adopt, amend, or deny the proposal. The bill author has also informed the committee that with voluminous, complex, and highly technical environmental regulations, a proper decision requires current knowledge of law, rule, policy, and guidance, as well as technical information, and that misinterpreting scientific data or TCEQ legal requirements can lead to lost opportunities and resources. The bill author has further informed the committee that administrative law judges have sometimes allowed irrelevant discovery, requiring protestants or applicants to challenge discovery orders by requesting certified questions to the commissioners, and that administrative law judges sometimes do not certify questions, leaving parties with no recourse, which can lead to inconsistent decisions. H.B. 3249 seeks to achieve consistency with TCEQ requirements to ensure environmental and public health benefits are realized, provide certainty and predictability to protestants and applicants, and help ensure TCEQ-related statutes, rules, and guidance are applied consistently by providing for the prompt certification by an administrative law judge to the TCEQ of an issue raised by a party relating to the scope of permissible discovery.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 3249 amends the Government Code to require the rules jointly adopted by the State Office of Administrative Hearings and the Texas Commission on Environmental Quality (TCEQ) that provide for certification to the TCEQ 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 TCEQ by law to provide that any issue raised by a party relating to the scope of permissible discovery must be promptly certified by the administrative law judge to the TCEQ.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.