

By: Darby

H.B. No. 3249

A BILL TO BE ENTITLED

AN ACT

1
2 relating to rules providing for certification of issues to the
3 Texas Commission on Environmental Quality in contested cases
4 referred to the State Office of Administrative Hearings by the
5 commission.

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

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

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

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

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

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 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.