

By: Birdwell

S.B. No. 2203

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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;

1 administrative law judge files with the chief clerk a request for
2 the commission to answer the certified issue. [Each agency shall
3 publish the jointly adopted rules.]

4 (i-4) Following certification to the commission of an issue
5 relating to the scope of discovery under Subsection (g), the
6 administrative law judge may abate the deadline specified by
7 Subsection (e-2) until the first business day following the earlier
8 of:

9 (1) the commission's consideration of the certified
10 issue; or

11 (2) the expiration by operation of law of the issue's
12 certification.

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