

CHAPTER 177

H.B. No. 2434

AN ACT

relating to ex parte communications in contested cases involving hazardous waste permits.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 361.0831, Health and Safety Code, is amended to read as follows:

Sec. 361.0831. EX PARTE CONTACTS PROHIBITED. (a) Unless required for the disposition of ex parte matters authorized by law, or unless permitted by Section 17, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), a hearings examiner of the commission may not communicate, directly or indirectly, with any employee of the commission who is not an employee of the office of hearings examiners, any commissioner, or any party to a hearing conducted by the commission in

connection with any issue of fact or law pertaining to a contested case in which the commission or party is involved.

(b) *Except for communications allowed under Subsection (a), an [An] employee of the commission, a commissioner, or a party to a hearing conducted by the commission may not attempt to influence the finding of facts or the application of law or rules by a hearings examiner of the commission except by proper evidence, pleadings, and legal argument with notice and opportunity for all parties to participate.*

(c) If a prohibited contact is made, the hearings examiner shall notify all parties with a summary of that contact and notice of their opportunity to *respond* [participate] and shall give all parties an opportunity to respond.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1993: Yeas 131, Nays 0, two present not voting;
passed by the Senate on May 6, 1993: Yeas 31, Nays 0.

Approved May 17, 1993.

Effective May 17, 1993.