

By: Vasut, Cain, Leach, Hayes, Schofield,
et al.

H.B. No. 113

Substitute the following for H.B. No. 113:

By: Leach

C.S.H.B. No. 113

A BILL TO BE ENTITLED

AN ACT

relating to statutory construction, including restrictions on the
use of certain aids to construction.

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

SECTION 1. Sections 311.016(2) and (3), Government Code,
are amended to read as follows:

(2) "Shall" imposes a duty. The use of "shall" does not
indicate that an action is discretionary.

(3) "Must" imposes a requirement and either creates a
duty or creates or recognizes a condition precedent.

SECTION 2. Subchapter C, Chapter 311, Government Code, is
amended by adding Sections 311.0211, 311.0212, and 311.0213 to read
as follows:

Sec. 311.0211. INTENTIONALISM PROHIBITED. When
interpreting a statute, a court:

(1) may not inquire into what members of the
legislature intended to accomplish by enacting the statute; and

(2) shall enforce the statutory text as written and in
accordance with the meaning that the words of the statute would have
to an ordinary speaker of the English language.

Sec. 311.0212. USE OF LEGISLATIVE HISTORY PROHIBITED. When
interpreting a statute, a court may not consider, consult, cite,
rely on, or give any weight to:

(1) any statement from an individual legislator,

1 including a statement by the author or sponsor of the bill that
2 enacted the statute or a statement made during a committee hearing
3 or debate of the bill on the floor of a house of the legislature;

4 (2) a committee report; or

5 (3) a statement of a presiding officer or the governor
6 made on the signing of the bill.

7 Sec. 311.0213. DEFERENCE TO AGENCY CONSTRUCTION
8 PROHIBITED. Notwithstanding any other law, a court is not required
9 to give deference to any construction of a statute by a state agency
10 responsible for administering, implementing, or enforcing the
11 statute. This section does not prohibit a court from considering a
12 state agency's construction of a statute if that construction is
13 reasonable and does not conflict with the plain language of the
14 statute.

15 SECTION 3. Section 311.025(c), Government Code, is amended
16 to read as follows:

17 (c) In determining whether amendments are irreconcilable,
18 text that is reenacted because of the requirement of Article III,
19 Section 36, of the Texas Constitution is not considered to be
20 irreconcilable with additions or omissions in the same text made by
21 another amendment. Unless clearly indicated to the contrary, an
22 amendment that reenacts text in compliance with that constitutional
23 requirement does not mean [~~indicate legislative intent~~] that the
24 reenacted text prevails [~~prevail~~] over changes in the same text
25 made by another amendment, regardless of the relative dates of
26 enactment.

27 SECTION 4. Section 311.026(b), Government Code, is amended

to read as follows:

(b) If the conflict between the general provision and the special or local provision is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later enactment and clearly and unambiguously supersedes the special or local provision [~~the manifest intent is that the general provision prevail~~].

SECTION 5. Section 311.028, Government Code, is amended to read as follows:

Sec. 311.028. UNIFORM CONSTRUCTION OF UNIFORM ACTS. A uniform act included in a code shall be construed, when possible, [~~to effect its general purpose~~] to make uniform the law of those states that enact it.

SECTION 6. Subchapter C, Chapter 311, Government Code, is amended by adding Section 311.0311 to read as follows:

Sec. 311.0311. SEVERABILITY AND SAVING CONSTRUCTIONS. (a) Unless a statute contains a provision expressly providing for nonseverability, every provision, section, subsection, sentence, clause, phrase, and word of the statute, including every discrete application of the provision, section, subsection, sentence, clause, phrase, or word to any person, group of persons, or circumstance, is severable.

(b) If any application of any statutory provision, section, subsection, sentence, clause, phrase, or word to any person, group of persons, or circumstance is determined by a court to be invalid, preempted, or unconstitutional, regardless of the reason, all remaining applications of that statutory provision, section,

1 subsection, sentence, clause, phrase, or word to any other person,
2 group of persons, or circumstance shall be severed and preserved
3 and remain in effect.

4 (c) It is the intent of the legislature that every valid,
5 non-preempted, and constitutional application of its statutory
6 enactments be allowed to stand alone and remain enforceable.

7 (d) A court may not decline to enforce the severability
8 requirements of this section on the grounds that the severance
9 would rewrite the statute or involve the court in legislative or
10 lawmaking activity. A court that declines to enforce, or that
11 enjoins a state official from enforcing, wholly or partly, a
12 statute is not considered to be rewriting a statute or engaging in
13 legislative or lawmaking activity because the statute continues to
14 contain the same words as before the court's decision. A judicial
15 injunction or declaration of unconstitutionality:

16 (1) is only an edict prohibiting enforcement of the
17 disputed statute against the parties to that lawsuit and may
18 subsequently be vacated by a higher court based on a different
19 understanding of the law;

20 (2) is not a formal amendment of the language in a
21 statute; and

22 (3) does not rewrite the statute any more than a
23 decision by the executive not to enforce a duly enacted statute in a
24 limited and defined set of circumstances.

25 (e) If a court, in violation of this section, declares or
26 finds any statutory provision, section, subsection, sentence,
27 clause, phrase, or word to be facially or totally invalid,

1 preempted, or unconstitutional, when there are discrete
2 applications of that statutory provision, section, subsection,
3 sentence, clause, phrase, or word that could be enforced against a
4 person, group of persons, or circumstance without violating federal
5 law or the federal or state constitutions, then that statutory
6 provision, section, subsection, sentence, clause, phrase, or word
7 shall be interpreted, as a matter of state law, as if the
8 legislature had explicitly limited its application to the person,
9 group of persons, or circumstance for which its application will
10 not violate federal law or the federal or state constitutions, and
11 every court shall adopt and apply this saving construction until
12 the court ruling declaring the statutory provision, section,
13 subsection, sentence, clause, phrase, or word facially or totally
14 invalid, preempted, or unconstitutional is vacated or overturned.

15 SECTION 7. Section 311.034, Government Code, is amended to
16 read as follows:

17 Sec. 311.034. WAIVER OF SOVEREIGN IMMUNITY; JURISDICTIONAL
18 REQUIREMENTS. In order to preserve the legislature's interest in
19 managing state fiscal matters through the appropriations process, a
20 statute shall not be construed as a waiver of sovereign immunity
21 unless the waiver is effected by clear and unambiguous language. In
22 a statute, the use of "person," as defined by Section 311.005 to
23 include governmental entities, does not ~~[indicate legislative~~
24 ~~intent to]~~ waive sovereign immunity unless the context of the
25 statute indicates no other reasonable construction. Statutory
26 prerequisites to a suit, including the provision of notice, are
27 jurisdictional requirements in all suits against a governmental

entity.

SECTION 8. Subchapter C, Chapter 311, Government Code, is amended by adding Section 311.037 to read as follows:

Sec. 311.037. GRAMMATICAL OR SCRIVENER'S ERROR. A grammatical or scrivener's error does not vitiate a law. A court construing a statute that contains a grammatical or scrivener's error that would be apparent to an ordinary reader of the English language may interpret the statute consistent with the understanding of the statute by an ordinary reader of the English language.

SECTION 9. Subchapter A, Chapter 312, Government Code, is amended by adding Sections 312.0051, 312.0052, 312.0053, 312.0081, and 312.0082 to read as follows:

Sec. 312.0051. INTENTIONALISM PROHIBITED. When interpreting a statute, a court:

(1) may not inquire into what members of the legislature intended to accomplish by enacting the statute; and

(2) shall enforce the statutory text as written and in accordance with the meaning that the words of the statute would have to an ordinary speaker of the English language.

Sec. 312.0052. USE OF LEGISLATIVE HISTORY PROHIBITED. When interpreting a statute, a court may not consider, consult, cite, rely on, or give any weight to:

(1) any statement from an individual legislator, including a statement by the author or sponsor of the bill that enacted the statute or a statement made during a committee hearing or debate of the bill on the floor of a house of the legislature;

1 (2) a committee report; or

2 (3) a statement of a presiding officer or the governor
3 made on the signing of the bill.

4 Sec. 312.0053. DEFERENCE TO AGENCY CONSTRUCTION
5 PROHIBITED. Notwithstanding any other law, a court is not required
6 to give deference to any construction of a statute by a state agency
7 responsible for administering, implementing, or enforcing the
8 statute. This section does not prohibit a court from considering a
9 state agency's construction of a statute if that construction is
10 reasonable and does not conflict with the plain language of the
11 statute.

12 Sec. 312.0081. GRAMMATICAL OR SCRIVENER'S ERROR. A
13 grammatical or scrivener's error does not vitiate a law. A court
14 construing a statute that contains a grammatical or scrivener's
15 error that would be apparent to an ordinary reader of the English
16 language may interpret the statute consistent with the
17 understanding of the statute by an ordinary reader of the English
18 language.

19 Sec. 312.0082. SEVERABILITY AND SAVING CONSTRUCTIONS. (a)
20 Unless a statute contains a provision expressly providing for
21 nonseverability, every provision, section, subsection, sentence,
22 clause, phrase, and word of the statute, including every discrete
23 application of the provision, section, subsection, sentence,
24 clause, phrase, or word to any person, group of persons, or
25 circumstance, is severable.

26 (b) If any application of any statutory provision, section,
27 subsection, sentence, clause, phrase, or word to any person, group

1 of persons, or circumstance is determined by a court to be invalid,
2 preempted, or unconstitutional, regardless of the reason, all
3 remaining applications of that statutory provision, section,
4 subsection, sentence, clause, phrase, or word to any other person,
5 group of persons, or circumstance shall be severed and preserved
6 and remain in effect.

7 (c) It is the intent of the legislature that every valid,
8 non-preempted, and constitutional application of its statutory
9 enactments be allowed to stand alone and remain enforceable.

10 (d) A court may not decline to enforce the severability
11 requirements of this section on the grounds that the severance
12 would rewrite the statute or involve the court in legislative or
13 lawmaking activity. A court that declines to enforce, or that
14 enjoins a state official from enforcing, wholly or partly, a
15 statute is not considered to be rewriting a statute or engaging in
16 legislative or lawmaking activity because the statute continues to
17 contain the same words as before the court's decision. A judicial
18 injunction or declaration of unconstitutionality:

19 (1) is only an edict prohibiting enforcement of the
20 disputed statute against the parties to that lawsuit and may
21 subsequently be vacated by a higher court based on a different
22 understanding of the law;

23 (2) is not a formal amendment of the language in a
24 statute; and

25 (3) does not rewrite the statute any more than a
26 decision by the executive not to enforce a duly enacted statute in a
27 limited and defined set of circumstances.

1 (e) If a court, in violation of this section, declares or
2 finds any statutory provision, section, subsection, sentence,
3 clause, phrase, or word to be facially or totally invalid,
4 preempted, or unconstitutional, when there are discrete
5 applications of that statutory provision, section, subsection,
6 sentence, clause, phrase, or word that could be enforced against a
7 person, group of persons, or circumstance without violating federal
8 law or the federal or state constitutions, then that statutory
9 provision, section, subsection, sentence, clause, phrase, or word
10 shall be interpreted, as a matter of state law, as if the
11 legislature had explicitly limited its application to the person,
12 group of persons, or circumstance for which its application will
13 not violate federal law or the federal or state constitutions, and
14 every court shall adopt and apply this saving construction until
15 the court ruling declaring the statutory provision, section,
16 subsection, sentence, clause, phrase, or word facially or totally
17 invalid, preempted, or unconstitutional is vacated or overturned.

18 SECTION 10. Sections [311.021](#), [311.023](#), [311.032](#), [312.005](#),
19 [312.006](#), [312.012](#), and [312.013](#), Government Code, are repealed.

20 SECTION 11. This Act takes effect September 1, 2025.