

By: Vasut

H.B. No. 113

A BILL TO BE ENTITLED

AN ACT

relating to statutory 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 LEGISLATURE 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

1 enacted the statute or a statement made during a committee hearing  
2 or debate of the bill on the floor of a house of the legislature;

3 (2) a committee report; or

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

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

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

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

26 SECTION 4. Section 311.026(b), Government Code, is amended  
27 to read as follows:

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

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

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

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

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

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

1 group of persons, or circumstance shall be severed and preserved  
2 and remain in effect.

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

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

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

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

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

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

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

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

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

(2) a committee report; or

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

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

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

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

25          (b) If any application of any statutory provision, section,  
26 subsection, sentence, clause, phrase, or word to any person, group  
27 of persons, or circumstance is determined by a court to be invalid,

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

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

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

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

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

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

27 (e) If a court, in violation of this section, declares or



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

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

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