

BILL ANALYSIS

H.B. 1947
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, courts may defer to a state agency's interpretation of a law or regulation instead of relying on the plain language of the text or previous court decisions. There are concerns that state agencies have an advantage over citizens when a court interprets a law with deference towards the state agency's interpretation. H.B. 1947 seeks to address these concerns by requiring a reviewing court judge or an administrative law judge, in interpreting a provision of state law, to interpret the meaning and effect of the provision de novo without deference to a state agency's interpretation of the provision and to resolve any ambiguity in a provision of state law in favor of limiting state agency authority after applying all other rules and canons of interpretation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1947 amends the Government Code to require a reviewing court judge or an administrative law judge, in interpreting a provision of state law, to interpret the meaning and effect of the provision de novo, without deference to a state agency's interpretation of the provision. The bill requires such a judge, in an action or hearing brought by or against an applicable state agency concerning an ambiguous provision of state law, to resolve the ambiguity in favor of limiting state agency authority after applying all other rules and canons of interpretation.

H.B. 1947 defines "provision of state law" as a state statute; a rule a state agency adopts; or an opinion letter, manual, or other guidance document a state agency issues interpreting the meaning, scope, or effect of a state statute or agency rule.

EFFECTIVE DATE

September 1, 2023.