

By: Harrison, Vasut, Leach, et al.

H.B. No. 1947

A BILL TO BE ENTITLED

AN ACT

relating to de novo review and interpretation of state laws and state agency rules by reviewing court judges and administrative law judges.

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

SECTION 1. Subtitle A, Chapter 21, Government Code, is amended by adding Section 21.013 to read as follows:

Sec. 21.013. DE NOVO REVIEW OF STATE LAW PROVISION BY REVIEWING COURT JUDGE; INTERPRETATION OF AMBIGUOUS STATE LAW PROVISION. (a) In this section, "provision of state law" means:

(1) a state statute;

(2) a rule a state agency adopts; or

(3) an opinion letter, manual, or other guidance document a state agency issues interpreting the meaning, scope, or effect of a state statute or state agency rule.

(b) In interpreting a provision of state law, a reviewing court judge shall interpret the meaning and effect of the provision de novo, without deference to a state agency's interpretation of the provision.

(c) In an action brought by or against a state agency concerning an ambiguous provision of state law, after applying all other rules and canons of interpretation, a reviewing court judge shall resolve the ambiguity in favor of limiting state agency authority.

1 SECTION 2. Subchapter B, Chapter 2003, Government Code, is  
2 amended by adding Section 2003.026 to read as follows:

3 Sec. 2003.026. DE NOVO REVIEW OF STATE LAW PROVISION IN  
4 ADMINISTRATIVE HEARING; INTERPRETATION OF AMBIGUOUS STATE LAW  
5 PROVISION. (a) In this section, "provision of state law" means:

6 (1) a state statute;

7 (2) a rule a state agency adopts; or

8 (3) an opinion letter, manual, or other guidance  
9 document a state agency issues interpreting the meaning, scope, or  
10 effect of a state statute or state agency rule.

11 (b) An administrative law judge who conducts a hearing that  
12 requires the judge to interpret a provision of state law shall  
13 interpret the meaning and effect of the provision de novo, without  
14 deference to a state agency's interpretation of the provision.

15 (c) An administrative law judge who conducts a hearing  
16 brought by or against a state agency concerning an ambiguous  
17 provision of state law, after applying all other rules and canons of  
18 interpretation, shall resolve the ambiguity in favor of limiting  
19 state agency authority.

20 SECTION 3. This Act takes effect September 1, 2023.