

By: Harrison

H.B. No. 1947

A BILL TO BE ENTITLED

AN ACT

1
2 relating to de novo review and interpretation of state laws and
3 state agency rules by reviewing court judges and administrative law
4 judges.

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

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

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

11 (1) a state statute;

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

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

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

20 (c) In an action brought by or against a state agency
21 concerning an ambiguous provision of state law, after applying all
22 other rules and canons of interpretation, a reviewing court judge
23 shall resolve the ambiguity in favor of limiting state agency
24 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.