

By: Hughes

S.B. No. 944

A BILL TO BE ENTITLED

AN ACT

relating to judicial deference regarding an interpretation of law
by a state agency.

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

SECTION 1. Subchapter C, Chapter 311, Government Code, is
amended by adding Section 311.0231 to read as follows:

Sec. 311.0231. PROHIBITED DEFERENCE TO AGENCY
CONSTRUCTION. Notwithstanding Section 311.023 or any other law, a
court is not required to give deference to any construction of a
statute by the state agency responsible for the statute's
administration, implementation, or other enforcement. This
section does not prohibit a court from giving consideration to a
state agency's construction of a statute that is reasonable and
does not conflict with the plain language of the statute.

SECTION 2. Subchapter B, Chapter 2001, Government Code, is
amended by adding Section 2001.042 to read as follows:

Sec. 2001.042. JUDICIAL REVIEW OF STATE AGENCY LEGAL
DETERMINATION REGARDING LAWS AND RULES. Notwithstanding any other
law, in a judicial proceeding in this state, including an action
subject to Section 2001.038, a court is not required to give
deference to a state agency's legal determination regarding the
construction, validity, or applicability of the law or a rule
adopted by the state agency responsible for the rule's
administration, implementation, or other enforcement. This

1 section does not prohibit a court from giving consideration to a
2 legal determination made by a state agency that is reasonable and
3 does not conflict with the plain language of the statute.

4 SECTION 3. Subchapter G, Chapter 2001, Government Code, is
5 amended by adding Section 2001.1721 to read as follows:

6 Sec. 2001.1721. JUDICIAL REVIEW OF QUESTION OF LAW. (a)
7 Except as provided by Subsection (b), in any matter brought under
8 this subchapter, the reviewing court shall review all questions of
9 law de novo, including the interpretation of constitutional or
10 statutory provisions or rules adopted by a state agency, without
11 giving deference to any legal determination by a state agency.

12 (b) Subsection (a) does not prohibit a reviewing court from
13 giving consideration to a legal determination made by a state
14 agency that is reasonable and does not conflict with the plain
15 language of the statute.

16 (c) Notwithstanding any other law, this section applies in
17 an action for judicial review of a contested case authorized by law
18 and other court actions authorized by law that involve a state
19 agency's legal determination of a constitutional or statutory
20 provision or a rule adopted by the state agency.

21 (d) A law may not exempt an action from the application of
22 this section except by specific reference to this section.

23 SECTION 4. The changes in law made by this Act apply only to
24 a petition for judicial review, action for declaratory judgment,
25 contested case, or other proceeding initiated on or after the
26 effective date of this Act. A petition for judicial review, action
27 for declaratory judgment, contested case, or other proceeding

1 initiated before the effective date of this Act is governed by the
2 law in effect on the date the proceeding was initiated, and the
3 former law is continued in effect for that purpose.

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2025.