

BILL ANALYSIS

S.B. 1540
By: Carona
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Legislative Council is required by law (Section 323.007, Government Code) to carry out a complete nonsubstantive revision of the Texas statutes. The process involves reclassifying and rearranging the statutes in a more logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law, if practicable--all toward promoting the stated purpose of making the statutes "more accessible, understandable, and usable" without altering the sense, meaning, or effect of the law. In 1965 the council adopted a long-range plan of compiling the law into 26 codes arranged by general topics; the council now has a plan to compile the law into 27 codes.

The proposed provisions of Title 5, Transportation Code, and Chapter 81, Natural Resources Code, and additional proposed provisions represent a nonsubstantive revision of certain provisions of Title 112, Revised Statutes, applicable to railroads, including provisions relating to the regulation of railroads and powers and duties of railroads, railways, rail districts, and the Railroad Commission of Texas. The included provisions of Title 112, Revised Statutes, are revised in existing titles in the Transportation and Natural Resources Codes. Each proposed subtitle is divided into chapters. Each proposed chapter is divided into subchapters, if appropriate, and is further divided into sections. Sections are numbered decimally, and the number to the left of the decimal point is the same as the chapter number. Gaps in chapter and section numbering are for future expansion.

The council legal staff has taken meticulous care to ensure that no substantive change has been made in the law and to preserve any ambiguity or interpretation that may exist in current law. Drafts of the proposed revisions have been distributed for review and comment to interested individuals, organizations, businesses, industry representatives, and government agencies. The text of the proposed revisions has been made available on the Texas Legislative Council Internet site. The staff has studied the comments and suggestions of persons reviewing the proposed revisions and has taken action to satisfy the concerns expressed.

The proposed provisions of Title 5, Transportation Code, and Chapter 81, Natural Resources Code, and the additional proposed provisions are a nonsubstantive revision of Texas law, meaning the substance of the law has not been altered. The sole purpose of these provisions is to compile the relevant law, arrange it in a logical fashion, and rewrite it without altering its meaning or legal effect. If a particular source statute is ambiguous and the ambiguity cannot be resolved without a potential substantive effect, the ambiguity is preserved.

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

Article 1 of the bill states the purpose of the act as part of the state's continuing statutory revision program under Section 323.007, Government Code.

Article 2 of the bill proposes redesignating Subtitle A, Title 5, Transportation Code, as Subtitle

B, adding a new Subtitle A, consisting of general provisions, and adding Subtitles C and D, which include chapters relating to regulation of railroads by the Texas Department of Transportation, the powers and duties of railroads, and miscellaneous railways. Article 2 of the bill also proposes adding three chapters to Subtitle I, Title 5, Transportation Code, relating to rural rail transportation districts, intermunicipal commuter rail districts, and commuter rail districts. Finally, Article 2 of the bill proposes one new section to Chapter 452, Transportation Code, relating to liability of certain transportation entities providing public transportation, one new section to Chapter 471, Transportation Code, relating to enhanced pavement marking visibility at certain grade crossings, and one new article to Title 66, Revised Statutes, relating to suits for recovery of penalties under that title.

Article 3 of the bill proposes multiple new sections to Chapter 81, Natural Resources Code, relating to administrative provisions and jurisdiction, powers, and duties of the Railroad Commission of Texas.

Article 4 of the bill updates cross-references in one section of the Government Code, multiple sections of the Transportation Code, and one section of the Tax Code to reflect the revisions made by the previous articles of the bill.

Article 5 of the bill expressly repeals laws that are being codified in Articles 1 through 4 of the bill.

Article 6 of the bill includes a statement of the legislative intent to codify only.

EFFECTIVE DATE

April 1, 2011