BILL ANALYSIS

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logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable—all toward promoting the stated purpose of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.

The 80th Legislature adopted additions to the Business & Commerce Code, Insurance Code, Local Government Code, and Special District Local Laws Code. The same legislature passed substantive bills that amended the codified statutes. Under Section 311.031(c), Government Code, those substantive amendments are given effect as part of the codified law. As part of its duties under the continuing revision program, the council prepares amendments to the new codes to clarify the law and conform the code to the substance of the law.

Also as part of the duties relating to continuing statutory revision, the council:
(1) monitors the acts of each session and proposes nonsubstantive codifications of laws that should be included in previously enacted codes;
(2) identifies duplicate official citations in enacted codes and proposes appropriate renumbering;
(3) identifies organizational, reference, and terminology problems in enacted codes and nonsubstantively corrects those problems; and
(4) makes necessary corrections to enacted codes to conform the codes to the source law from which they were derived.

Section 43, Article III, Texas Constitution, specifically recognized this type of bill as a "revision" for purposes of the legislature's obligation under that section to provide for the revising of laws. As such a revision, the bill is not subject to the constitutional rule prohibiting more than one subject in a single bill or the rule prohibiting amendments by reference.

S.B. 1969 has the purposes of:
(1) conforming additions to the Business & Commerce Code, Insurance Code, Local Government Code, and Special District Local Laws Code enacted by the 80th Legislature to other acts of that legislature amending laws codified and conforming references appropriately;
(2) codifying without substantive change various statutes that were omitted from enacted codes;
(3) renumbering sections and articles of codes that duplicate section and article numbers;
(4) correcting without substantive change organizational, reference, and terminology problems; and
(5) making necessary corrections to enacted codes to conform the codes to the source law from which they were derived.

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

S.B. 1969 conforms additions to the Business & Commerce Code, Insurance Code, Local Government Code, and Special District Local Laws Code that were enacted by the 80th Legislature to other acts of the 80th Legislature, makes corrections to the codes, conforms other laws to the codes, and codifies other existing laws as new provisions in the codes. The bill makes various nonsubstantive amendments to enacted codes, including amendments to conform the codes to acts of previous legislatures, correct references and terminology, properly organize and number the law, and codify other law that properly belongs in those codes. The bill renumbers and reletters provisions of enacted codes and changes references to eliminate duplicated citations, relocate misplaced provisions, and correct corresponding references. The bill provides that it is a nonsubstantive revision that does not affect other acts of the 81st Legislature.

EFFECTIVE DATE

September 1, 2009.