

By: Duncan

S.B. No. 2038

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the construction of nonsubstantive codifications and
3 revisions of statutes.

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

5 SECTION 1. Subsection (a), Section 22.001, Government Code,
6 is amended to read as follows:

7 (a) The supreme court has appellate jurisdiction, except in
8 criminal law matters, coextensive with the limits of the state and
9 extending to all questions of law arising in the following cases
10 when they have been brought to the courts of appeals from appealable
11 judgment of the trial courts:

12 (1) a case in which the justices of a court of appeals
13 disagree on a question of law material to the decision;

14 (2) a case in which one of the courts of appeals holds
15 differently from a prior decision of another court of appeals or of
16 the supreme court on a question of law material to a decision of the
17 case;

18 (3) subject to Section 22.0011, a case involving the
19 construction or validity of a statute necessary to a determination
20 of the case;

21 (4) a case involving state revenue;

22 (5) a case in which the railroad commission is a party;

23 and

24 (6) any other case in which it appears that an error of

1 law has been committed by the court of appeals, and that error is of
2 such importance to the jurisprudence of the state that, in the
3 opinion of the supreme court, it requires correction, but excluding
4 those cases in which the jurisdiction of the court of appeals is
5 made final by statute.

6 SECTION 2. Subchapter A, Chapter 22, Government Code, is
7 amended by adding Section 22.0011 to read as follows:

8 Sec. 22.0011. JURISDICTION REGARDING NONSUBSTANTIVE
9 REVISIONS. (a) This section applies to the exercise of the
10 supreme court's jurisdiction under Section 22.001(a)(3) if:

11 (1) the statute at issue in the case was enacted by the
12 legislature under the direction of Article III, Section 43, Texas
13 Constitution, in an enactment having the purpose, declared by the
14 legislature in the enactment, of codifying or revising without
15 substantive change statutes that individually relate to different
16 subjects; and

17 (2) the statute was prepared for the legislature's
18 consideration by the Texas Legislative Council under the authority
19 granted to the council by Section 323.007.

20 (b) The codification or revision of a statute to which this
21 section applies does not affect the meaning or effect of the
22 statute.

23 (c) In interpreting and applying a codified or revised
24 statute to which this section applies, the supreme court shall give
25 the statute the same effect and meaning that was or would have been
26 given the statute before its codification or revision,
27 notwithstanding the repeal of the prior statute and regardless of

1 any omission or change in the codified or revised statute that the
2 supreme court would otherwise find to be direct, unambiguous, and
3 irreconcilable with the prior version of the statute. Any omission
4 or change in the codified or revised statute for which the court
5 finds no direct express evidence of legislative intent to change
6 the sense, meaning, or effect of the statute shall be considered to
7 be unintended and shall be given no effect.

8 SECTION 3. Subchapter C, Chapter 311, Government Code, is
9 amended by adding Section 311.033 to read as follows:

10 Sec. 311.033. INTERPRETATION AND APPLICATION OF
11 NONSUBSTANTIVE REVISIONS. (a) This section applies to the
12 interpretation or application by a court, executive branch agency,
13 or other entity of a statute enacted by the legislature of this
14 state if:

15 (1) the statute at issue in the case was enacted by the
16 legislature under the direction of Article III, Section 43, Texas
17 Constitution, in an enactment having the purpose, declared by the
18 legislature in the enactment, of codifying or revising without
19 substantive change statutes that individually relate to different
20 subjects; and

21 (2) the statute was prepared for the legislature's
22 consideration by the Texas Legislative Council under the authority
23 granted to the council by Section 323.007.

24 (b) The codification or revision of a statute to which this
25 section applies does not affect the meaning or effect of the
26 statute.

27 (c) In interpreting and applying a codified or revised

1 statute to which this section applies, the court, executive branch,
2 or other entity shall give the statute the same effect and meaning
3 that was or would have been given the statute before its
4 codification or revision, notwithstanding the repeal of the prior
5 statute and regardless of any omission or change in the codified or
6 revised statute that the court, executive branch, or other entity
7 would otherwise find to be direct, unambiguous, and irreconcilable
8 with the prior version of the statute. Any omission or change in
9 the codified or revised statute for which the court, executive
10 branch, or other entity finds no direct express evidence of
11 legislative intent to change the sense, meaning, or effect of the
12 statute shall be considered to be unintended and shall be given no
13 effect.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.