

By: Duncan

S.B. No. 2038

A BILL TO BE ENTITLED

AN ACT

relating to statutory revision and construction of revised statutes.

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

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

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

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

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

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

(4) a case involving state revenue;

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

(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 STATUTORY REVISIONS. (a) This section applies to the exercise by  
10 the supreme court of its jurisdiction under Section 22.001(a)(3) in  
11 cases involving the construction and validity of a codified or  
12 revised statute that:

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

18 (2) was drafted by the Texas Legislative Council under  
19 the continuing statutory revision program provided for by Section  
20 323.007.

21 (b) The codification or revision of a statute to which this  
22 section applies does not affect the meaning or effect of the  
23 statute. The supreme court, in interpreting and applying a  
24 codified or revised statute to which this section applies, shall  
25 give the statute the same effect and meaning that was or would have  
26 been given the statute before its codification or revision,  
27 notwithstanding the repeal of the prior statute and regardless of

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

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

9 Sec. 311.033. INTERPRETATION AND APPLICATION OF  
10 NONSUBSTANTIVE STATUTORY REVISIONS. (a) This section applies to  
11 the interpretation or application by a court, executive branch  
12 agency, or other entity of a codified or revised statute that:

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

18 (2) was drafted by the Texas Legislative Council under  
19 the continuing statutory revision program provided for by Section  
20 323.007.

21 (b) The codification or revision of a statute to which this  
22 section applies does not affect the meaning or effect of the  
23 statute. A court, executive branch agency, or other entity, in  
24 interpreting and applying a codified or revised statute to which  
25 this section applies, shall give the statute the same effect and  
26 meaning that was or would have been given the statute before its  
27 codification or revision, notwithstanding the repeal of the prior

1 statute and regardless of any omission or change that the court,  
2 executive branch agency, or other entity would otherwise find to be  
3 direct, unambiguous, and irreconcilable with prior law. Any such  
4 omission or change for which the court, executive branch agency, or  
5 other entity finds no direct evidence of legislative intent to  
6 change the sense, meaning, or effect of the statute shall be  
7 considered unintended and shall be given no effect.

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