

## **BILL ANALYSIS**

H.B. 3862  
By: Harper-Brown  
Government Efficiency & Reform  
Committee Report (Amended)

### **BACKGROUND AND PURPOSE**

H.B. 3862 is a representation of work performed by the Texas Legislative Council over the course of the interim as part of its duties relating to continuing statutory revision. A general code update bill is prepared each interim to nonsubstantively codify laws that should be included in previously enacted codes, appropriately renumber or reletter duplicate official citations, correct enacted codes to conform the codes to the source law from which they were derived, and revise codes or parts of codes enacted during the preceding legislative session to incorporate enactments of that session.

This project includes amendments, as necessary, to the Estates Code and the Special District Local Laws Code. The legislative council's legal division staff has taken meticulous steps to ensure that the update bill does not include any substantive changes to the law. Council staff has actually prepared one amendment to the bill to remove some language from the bill, not because the language makes any substantive change, but because staff members were concerned that by reconciling only two of three enacted provisions, the language might be interpreted as impliedly repealing the third provision.

A draft of the general code update bill was sent for review to the offices of the governor, attorney general, and secretary of state, and to the State Bar of Texas, the Texas Commission on Environmental Quality, and the senate enrolling clerk. The draft was also posted on the Texas Legislative Council's website. H.B. 3862 relates to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications.

### **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**

H.B. 3862 conforms additions to the Estates Code and the Special District Local Laws Code enacted by the 82nd Legislature to other acts of the 82nd 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 and correct corresponding references. The bill provides that it is a nonsubstantive revision that does not affect other acts of the 83rd Legislature.

- Section 28.0212(g), Education Code, as added by Chapter 763 (H.B. 3485), Acts of the 80th Legislature, Regular Session, 2007, is repealed as duplicative of Section 28.0212(e), Education Code, as added by Chapter 1058 (H.B. 2237), Acts of the 80th Legislature,

Regular Session, 2007.

- Section 54.341(b-2), Education Code, which was redesignated from Section 54.203(b-2), Education Code, by Chapter 359 (S.B. 32), Acts of the 82nd Legislature, Regular Session, 2011, is repealed to conform to the repeal of Section 54.203(b-2), Education Code, by Chapter 404 (S.B. 639), Acts of the 82nd Legislature, Regular Session, 2011.
- Sections 54.208 and 54.2081, Education Code, are repealed.
- Section 61.0815(c), Education Code, as amended by Chapter 990 (H.B. 1781), Acts of the 82nd Legislature, Regular Session, 2011, is repealed to conform to the repeal of Section 61.0815, Education Code, by Chapter 1049 (S.B. 5), Acts of the 82nd Legislature, Regular Session, 2011.
- Section 16.001(d), Election Code, as added by Chapter 650 (S.B. 1046), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Sections 16.001(d) and 18.068, Election Code, as added by Chapter 683 (H.B. 174), Acts of the 82nd Legislature, Regular Session, 2011.
- Sections 3.01(b) and (c), Chapter 823 (H.B. 2759), Acts of the 82nd Legislature, Regular Session, 2011, which transferred to the Estates Code Sections 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, and 618, Texas Probate Code, are repealed.
- Subtitle Y, Title 2, Estates Code, as effective January 1, 2014, is repealed.
- Subparts A and B, Part 2, Subtitle Y, Title 3, Estates Code, as effective January 1, 2014, are repealed.
- Section 814.0096(b), Government Code, as added by Chapter 280 (H.B. 1608), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Section 814.0096(b), Government Code, as added by Chapter 1249 (S.B. 1664), Acts of the 82nd Legislature, Regular Session, 2011.
- Section 2157.0611, Government Code, is repealed to conform to the repeal of Section 2157.0611 by Chapter 1081 (H.B. 2918), Acts of the 80th Legislature, Regular Session, 2007, and to the other changes made by Chapter 1081 to Subchapter B, Chapter 2157, Government Code.
- Section 101.06119, Government Code, is repealed.
- Section 101.08116, Government Code, is repealed.
- Section 101.10115, Government Code, is repealed.
- Section 101.12125, Government Code, is repealed.
- Section 103.0210, Government Code, is repealed.
- Section 103.0291, Government Code, is repealed.
- Section 103.032, Government Code, is repealed.
- Section 386.252(f), Health and Safety Code, as added by Chapter 589 (S.B. 20), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Section 386.252(f), Health and Safety Code, as added by Chapter 892 (S.B. 385), Acts of the 82nd Legislature, Regular Session, 2011.
- Chapter 393, Health and Safety Code, as added by Chapter 589 (S.B. 20), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Chapter 394, Health and Safety Code, as added by Chapter 892 (S.B. 385), Acts of the 82nd Legislature, Regular Session, 2011.
- Chapter 394, Health and Safety Code, as added by Chapter 589 (S.B. 20), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Chapter 393, Health and Safety Code, as added by Chapter 892 (S.B. 385), Acts of the 82nd Legislature, Regular Session, 2011.

- Section 209.003(e), Property Code, as added by Chapter 1026 (H.B. 2761), Acts of the 82nd Legislature, Regular Session, 2011, and Section 209.003(e), Property Code, as added by Chapter 1217 (S.B. 472), Acts of the 82nd Legislature, Regular Session, 2011, are repealed.
- Sections 209.0058, 209.0059, 209.00592, and 209.00593, Property Code, as added by Chapter 1217 (S.B. 472), Acts of the 82nd Legislature, Regular Session, 2011, are repealed as duplicative of Sections 209.0058, 209.0059, 209.00591, and 209.00592, Property Code, as added by Chapter 1026 (H.B. 2761), Acts of the 82nd Legislature, Regular Session, 2011.
- Section 209.0062, Property Code, as added by Chapter 1142 (H.B. 1821), Acts of the 82nd Legislature, Regular Session, 2011, is repealed as duplicative of Section 209.0062, Property Code, as added by Chapter 1282 (H.B. 1228), Acts of the 82nd Legislature, Regular Session, 2011.
- Section 1, Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.
- Section 2, Chapter 400, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.
- Section 1, Chapter 472, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.
- Section 1, Chapter 199, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.
- Sections 1.01 and 1.02, Chapter 1267, Acts of the 82nd Legislature, Regular Session, 2011, are repealed.
- Sections 2.02 and 2.03, Chapter 1267, Acts of the 82nd Legislature, Regular Session, 2011, are repealed.
- Section 2.01, Chapter 1267, Acts of the 82nd Legislature, Regular Session, 2011, is repealed.
- Section 1102.301(d), Special District Local Laws Code, as effective April 1, 2013, is repealed to conform to Section 3.005, Election Code, as amended by Chapter 1318 (S.B. 100), Acts of the 82nd Legislature, Regular Session, 2011.
- Section 370.314(b), Transportation Code, as amended by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011, is repealed to conform to the repeal of Section 370.314, Transportation Code, by Chapter 1345 (S.B. 1420), Acts of the 82nd Legislature, Regular Session, 2011.

### **EFFECTIVE DATE**

Except as otherwise provided, September 1, 2013.

### **EXPLANATION OF AMENDMENTS**

#### **Committee Amendment No. 1**

Committee Amendment No. 1 removes a provision reenacting and amending Section 386.252(a), Health and Safety Code, as amended by Chapters 589 (S.B. 20) and 892 (S.B. 385), Acts of the 82nd Legislature, Regular Session, 2011, to correct a reference.

#### **Committee Amendment No. 2**

Committee Amendment No. 2 removes a provision amending Section 521.3465(a), Transportation Code, to correct a reference.