

## **BILL ANALYSIS**

Senate Research Center  
83R7116 PEP-D

S.B. 1093  
By: West  
Administration  
3/21/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Texas Legislative Council (TLC) is required by Section 323.007 (Statutory Revisions Program) of the 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logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable—all toward promoting the stated purpose of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 82nd Legislature adopted additions to the Estates Code and the Special District Local Laws Code. The same legislature passed substantive bills that amended the codified statutes. Under Section 311.031(c) (relating to the preservation of amendments, revisions, or reenactments within repealed statutes under certain circumstances), Government Code, those substantive amendments are given effect as part of the codified law. As part of its duties under the continuing revision program, TLC 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, TLC monitors the acts of each session and proposes nonsubstantive codifications of laws that should be included in previously enacted codes; identifies duplicate official citations in enacted codes and proposes appropriate renumbering; identifies organizational, reference, and terminology problems in enacted codes and nonsubstantively corrects those problems; and makes necessary corrections to enacted codes to conform the codes to the source law from which they were derived.

Section 43 (Revision of Laws), 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.

This bill has the purpose of conforming additions to the Estates Code and the Special District Local Laws Code enacted by the 82nd Legislature to other acts of that legislature amending codified laws and conforming references appropriately; codifying without substantive change various statutes that were omitted from enacted codes; renumbering sections and articles of codes that duplicate section and article numbers; correcting without substantive change organizational, reference, and terminology problems; and making necessary corrections to enacted codes to conform the codes to the source law from which they were derived.

As proposed, S.B. 1093 amends current law relating 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 enacted by the 82nd Legislature to other Acts of that legislature.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

ARTICLE 1. GENERAL PROVISIONS  
(Pages 1-2 of this bill.)

ARTICLE 2. CHANGES RELATING TO CIVIL PRACTICE AND REMEDIES CODE  
(Page 2 of this bill.)

ARTICLE 3. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE  
(Pages 2-13 of this bill.)

ARTICLE 4. CHANGES RELATING TO EDUCATION CODE  
(Pages 13-24 of this bill.)

ARTICLE 5. CHANGES RELATING TO ELECTION CODE  
(Pages 24-27 of this bill.)

ARTICLE 6. CHANGES RELATING TO ESTATES CODE  
(Pages 27-89 of this bill.)

ARTICLE 7. CHANGES RELATING TO FAMILY CODE  
(Pages 89-92 of this bill.)

ARTICLE 8. CHANGES RELATING TO FINANCE CODE  
(Pages 92-94 of this bill.)

ARTICLE 9. CHANGES RELATING TO GOVERNMENT CODE  
(Pages 95-129 of this bill.)

ARTICLE 10. CHANGES RELATING TO HEALTH AND SAFETY CODE  
(Pages 129-136 of this bill.)

ARTICLE 11. CHANGES RELATING TO INSURANCE CODE  
(Pages 137-139 of this bill.)

ARTICLE 12. CHANGES RELATING TO LOCAL GOVERNMENT CODE  
(Pages 139-142 of this bill.)

ARTICLE 13. CHANGES RELATING TO NATURAL RESOURCES CODE  
(Pages 142-143 of this bill.)

ARTICLE 14. CHANGES RELATING TO OCCUPATIONS CODE  
(Pages 143-144 of this bill.)

ARTICLE 15. CHANGES RELATING TO PARKS AND WILDLIFE CODE  
(Pages 144-145 of this bill.)

ARTICLE 16. CHANGES RELATING TO PENAL CODE  
(Pages 145-149 of this bill.)

ARTICLE 17. CHANGES RELATING TO PROPERTY CODE  
(Pages 149-151 of this bill.)

ARTICLE 18. CHANGES RELATING TO SPECIAL DISTRICT LOCAL LAWS CODE  
(Pages 151-170 of this bill.)

ARTICLE 19. CHANGES RELATING TO TAX CODE  
(Pages 170-181 of this bill.)

ARTICLE 20. CHANGES RELATING TO TRANSPORTATION CODE  
(Pages 181-199 of this bill.)

ARTICLE 21. CHANGES TO WATER CODE  
(Pages 199-202 of this bill.)

ARTICLE 22. REDESIGNATIONS  
(Pages 202-228 of this bill.)

ARTICLE 23. EFFECTIVE DATE  
(Page 228 of this bill.)