

BILL ANALYSIS

H.B. 4595
By: Leach
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable—all toward promoting the stated purpose of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

As part of the duties relating to continuing statutory revision, the council:

- 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, 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.

H.B. 4595 has the purposes of:

- codifying without substantive change various statutes that were omitted from enacted codes;
- renumbering sections, subchapters, and other provisions of codes that duplicate the numbers of other sections, subchapters, or other provisions;
- 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 4595 amends the Alcoholic Beverage Code, Business & Commerce Code, Civil Practice and Remedies Code, Code of Criminal Procedure, Education Code, Election Code, Family Code, Finance Code, Government Code, Health and Safety Code, Human Resources Code, Labor Code, Natural Resources Code, Occupations Code, Penal Code, Special District Local Laws Code, Tax Code, Transportation Code, and Utilities Code to make corrections to those codes, conform other laws to those codes, and codify certain other provisions as new provisions within those codes. The bill makes various nonsubstantive amendments, 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.

H.B. 4595 redesignates provisions of certain of those enacted codes, as well as the Insurance Code and Local Government Code, and amends those codes to renumber and reletter accordingly.

H.B. 4595 sets out general provisions relating to the nonsubstantive revision and codification undertaken by the bill's provisions and the repeal of certain provisions to account for and conform to those changes.

H.B. 4595 repeals the following provisions to eliminate duplicate provisions and citations and to conform to certain revisions made by the bill:

- Section 106.17, Alcoholic Beverage Code, as added by Chapter 79 (S.B. 315), Acts of the 87th Legislature, Regular Session, 2021;
- Section 2, Chapter 489 (H.B. 3456), Acts of the 87th Legislature, Regular Session, 2021;
- Section 21.4551(b), Education Code, as amended by Chapter 973 (S.B. 2066), Acts of the 87th Legislature, Regular Session, 2021;
- Sections 48.009(b-1) and (b-2), Education Code, as added by Chapter 915 (H.B. 3607), Acts of the 87th Legislature, Regular Session, 2021;
- Section 48.009(b-4), Education Code, as added by Chapter 806 (H.B. 1525), Acts of the 87th Legislature, Regular Session, 2021;
- Section 54.047(f), Family Code, as amended by Section 13, Chapter 948 (S.B. 1480), Acts of the 87th Legislature, Regular Session, 2021;
- the heading to Subchapter H, Chapter 51, Government Code;
- the heading to Subchapter C, Chapter 1109, Insurance Code;
- Section 81.073, Natural Resources Code, as added by Chapter 931 (H.B. 3648), Acts of the 87th Legislature, Regular Session, 2021;
- the heading to Subchapter K, Chapter 701, Occupations Code;
- Sections 46.035(b), (c), and (d), Penal Code, as amended by Chapter 481 (H.B. 2112) and Chapter 518 (S.B. 550), Acts of the 87th Legislature, Regular Session, 2021;
- Section 5.018, Property Code;
- the heading to Chapter 18, Title 32, Revised Statutes;
- the heading to Chapter 4, Title 70, Revised Statutes; and
- the heading to Chapter 1, Title 71, Revised Statutes.

EFFECTIVE DATE

September 1, 2023.