

BILL ANALYSIS

C.S.S.B. 1296
By: West
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Legislative Council is required by law (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logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving the draftsmanship of the law if practicable--all toward promoting the stated purpose of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: (1) monitors the acts of each session and proposes nonsubstantive codifications of laws that should be included in previously enacted codes; (2) identifies duplicate official citations in enacted codes and proposes appropriate renumbering; (3) identifies organizational, reference, and terminology problems in enacted codes and nonsubstantively corrects those problems; and (4) 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.

This bill has the purposes of: (1) codifying without substantive change various statutes that were omitted from enacted codes; (2) renumbering sections and articles of codes that duplicate section and article numbers; (3) correcting without substantive change organizational, reference, and terminology problems; and (4) 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

C.S.S.B. 1296 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 84th Legislature.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1296 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED	HOUSE COMMITTEE SUBSTITUTE
ARTICLE 1. GENERAL PROVISIONS	Same as engrossed version.
ARTICLE 2. CHANGES RELATING TO ALCOHOLIC BEVERAGE CODE	Same as engrossed version.
ARTICLE 3. CHANGES RELATING TO CIVIL PRACTICE AND REMEDIES CODE	Same as engrossed version.
ARTICLE 4. CHANGES RELATING TO CODE OF CRIMINAL PROCEDURE	Same as engrossed version.
ARTICLE 5. CHANGES RELATING TO EDUCATION CODE	Same as engrossed version, except as follows:
SECTION 5.001. (a) Section 7.111(a), Education Code, as amended by Chapters 339 (H.B. 2058) and 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted. (b) Section 7.111(a-1), Education Code, is amended to conform to the amendment of Section 7.111(a), Education Code, by Chapter 1217 (S.B. 1536), Acts of the 83rd Legislature, Regular Session, 2013.	SECTION 5.001. Same as engrossed version.
SECTION 5.002. Section 25.007(b), Education Code, as amended by Chapters 688 (H.B. 2619) and 1354 (S.B. 1404), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended.	SECTION 5.002. Same as engrossed version.
SECTION 5.003. Section 39.0302(a), Education Code, is amended to correct a reference.	SECTION 5.003. Same as engrossed version.
SECTION 5.004. Section 39.057(a),	SECTION 5.004. Same as engrossed

Education Code, as amended by Chapters 211 (H.B. 5) and 509 (S.B. 123), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted and amended.

No equivalent provision.

No equivalent provision.

SECTION 5.005. Section 58.001(a), Education Code, as amended by Chapter 65 (S.B. 120), Acts of the 83rd Legislature, Regular Session, 2013, is repealed to conform to the repeal of Section 58.001, Education Code, by Chapter 1155 (S.B. 215), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 5.006. (a) Section 61.0662, Education Code, as redesignated from Section 61.051(h), Education Code, and transferred and amended by Chapter 1155 (S.B. 215), Acts of the 83rd Legislature, Regular Session, 2013, is reenacted to incorporate amendments to Section 61.051(h), Education Code, made by Chapter 507 (S.B. 67), Acts of the 83rd Legislature, Regular Session, 2013, and amended.

(b) Section 61.051(h), Education Code, as

version.

SECTION 5.0045. Section 54.5191(a), Education Code, is amended to read as follows:

(a) The board of regents of the University of North Texas System may charge each student enrolled at the University of North Texas an intercollegiate athletics fee in an amount not to exceed \$10 per semester credit hour for each semester or summer session unless the amount is increased as provided by Subsection (g).

SECTION 5.0046. Section 54.5381(a), Education Code, is amended to read as follows:

(a) The board of regents of the Texas State University System may impose an intercollegiate athletics fee on each student enrolled at a component institution of the Texas State University System, other than Texas State University, in an amount not to exceed:

(1) \$8.75 per semester credit hour for each regular semester unless increased as provided by Subsection (d); and

(2) \$4.50 per semester credit hour for each summer session unless increased as provided by Subsection (d).

SECTION 5.005. Same as engrossed version.

SECTION 5.006. Same as engrossed version.

amended by Chapter 507 (S.B. 67), Acts of the 83rd Legislature, Regular Session, 2013, is repealed.

SECTION 5.007. Section 61.051(i), Education Code, as amended by Chapter 1312 (S.B. 59), Acts of the 83rd Legislature, Regular Session, 2013, is repealed to conform to the repeal of that subsection by Chapter 1155 (S.B. 215), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 5.008. Section 73.115(g), Education Code, as added by Chapter 1366 (S.B. 1604), Acts of the 83rd Legislature, Regular Session, 2013, is repealed as duplicative of Section 73.115(g), Education Code, as added by Chapter 1346 (S.B. 1195), Acts of the 83rd Legislature, Regular Session, 2013.

ARTICLE 6. CHANGES RELATING TO ELECTION CODE

ARTICLE 7. CHANGES RELATING TO FAMILY CODE

ARTICLE 8. CHANGES RELATING TO FINANCE CODE

ARTICLE 9. CHANGES RELATING TO GOVERNMENT CODE

PART A. GENERAL CHANGES

PART B. UPDATE OF COURT FEES AND COSTS

SECTION 9.101. Section 51.709, Government Code, as added by Chapter 1246 (S.B. 1891), Acts of the 83rd Legislature, Regular Session, 2013, is redesignated as Section 51.710, Government Code.

SECTION 9.102. (a) Section 101.021, Government Code, is amended.
(b) Section 101.0211, Government Code, is repealed.

SECTION 9.103. (a) Section 101.041, Government Code, is amended.
(b) Section 101.0411, Government Code, is repealed.

SECTION 5.007. Same as engrossed version.

SECTION 5.008. Same as engrossed version.

Same as engrossed version, except as follows:

SECTION 9.101. Same as engrossed version.

SECTION 9.102. Same as engrossed version.

SECTION 9.103. Same as engrossed version.

SECTION 9.104. (a) Section 101.0611, Government Code, as amended by Section 1.03, Chapter 927 (H.B. 1513), Acts of the 83rd Legislature, Regular Session, 2013, is amended.
(b) Section 101.0611, Government Code, as amended by Section 2.03, Chapter 927 (H.B. 1513), Acts of the 83rd Legislature, Regular Session, 2013, effective September 1, 2019, is amended.
(c) Sections 101.06118, 101.061191, and 101.06120, Government Code, are repealed.

SECTION 9.104. Same as engrossed version.

SECTION 9.105. Section 101.0616, Government Code, is amended to conform to Chapter 680 (H.B. 2502), Acts of the 81st Legislature, Regular Session, 2009, and Chapter 982 (H.B. 2080), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended.

SECTION 9.105. Same as engrossed version.

SECTION 9.106. (a) Section 101.0811, Government Code, is amended.
(b) The following are repealed:
(1) Section 101.08117, Government Code, as added by Chapter 1059 (H.B. 3153), Acts of the 83rd Legislature, Regular Session, 2013;
(2) Section 101.08117, Government Code, as added by Chapter 1290 (H.B. 2302), Acts of the 83rd Legislature, Regular Session, 2013;
(3) Section 101.08119, Government Code, as added by Chapter 1238 (S.B. 1827), Acts of the 83rd Legislature, Regular Session, 2013; and
(4) Section 101.08119, Government Code, as added by Chapter 1246 (S.B. 1891), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 9.106. Same as engrossed version.

SECTION 9.107. (a) Section 101.0814, Government Code, is amended.
(b) Section 101.08145, Government Code, is repealed.

SECTION 9.107. Same as engrossed version.

SECTION 9.108. Section 101.0815, Government Code, is amended to conform to Chapter 680 (H.B. 2502), Acts of the 81st Legislature, Regular Session, 2009, and Chapter 982 (H.B. 2080), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended.

SECTION 9.108. Same as engrossed version.

SECTION 9.109. (a) Section 101.1011,

SECTION 9.109. Same as engrossed

Government Code, is amended.
(b) The following are repealed:
(1) Section 101.10116, Government Code;
(2) Section 101.10118, Government Code, as added by Chapter 1238 (S.B. 1827), Acts of the 83rd Legislature, Regular Session, 2013; and
(3) Section 101.10118, Government Code, as added by Chapter 1246 (S.B. 1891), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 9.110. (a) Section 101.1013, Government Code, is amended.
(b) Section 101.103, Government Code, is repealed.

SECTION 9.111. Section 101.1014, Government Code, is amended to conform to Chapter 680 (H.B. 2502), Acts of the 81st Legislature, Regular Session, 2009, and Chapter 982 (H.B. 2080), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended.

SECTION 9.112. (a) Section 101.1212, Government Code, is amended.
(b) Section 101.12126, Government Code, is repealed.

SECTION 9.113. (a) Section 101.1214, Government Code, is amended.
(b) Section 101.12145, Government Code, is repealed.

SECTION 9.114. Section 101.1215, Government Code, is amended to conform to Chapter 680 (H.B. 2502), Acts of the 81st Legislature, Regular Session, 2009, and Chapter 982 (H.B. 2080), Acts of the 83rd Legislature, Regular Session, 2013, and is further amended.

SECTION 9.115. (a) Section 101.141, Government Code, is amended.
(b) Sections 101.1411 and 101.142, Government Code, are repealed.

SECTION 9.116. (a) Section 102.0615, Government Code, is amended.
(b) Section 102.0619, Government Code, is repealed.

SECTION 9.117. (a) Section 103.021, Government Code, is amended.

version.

SECTION 9.110. Same as engrossed version.

SECTION 9.111. Same as engrossed version.

SECTION 9.112. Same as engrossed version.

SECTION 9.113. Same as engrossed version.

SECTION 9.114. Same as engrossed version.

SECTION 9.115. Same as engrossed version.

SECTION 9.116. Same as engrossed version.

SECTION 9.117. Same as engrossed version.

(b) Section 103.034, Government Code, is repealed.

SECTION 9.118. (a) Section 103.0213, Government Code, is amended to read as follows:

Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Transportation Code if ordered by the court or otherwise required:

(1) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) . . . not to exceed \$20;

(2) administrative fee on dismissal of charge of driving with an expired driver's license (Sec. 521.026, Transportation Code) . . . not to exceed \$20;

(2-a) administrative fee on remediation of charge of operation of a vehicle without a registration insignia (Sec. 502.473, Transportation Code) . . . not to exceed \$10;

(3) administrative fee on remediation of charge of driving with an expired inspection certificate (Sec. 548.605, Transportation Code) . . . not to exceed \$20;

(4) administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation; and

(5) administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

(b) Section 103.0213, Government Code, as amended by Chapter 1291 (H.B. 2305), Acts of the 83rd Legislature, Regular Session, 2013, effective March 1, 2015, is amended to read as follows:

Sec. 103.0213. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: TRANSPORTATION CODE. An accused or defendant, or a party to a civil suit, as applicable, shall pay the following fees and costs under the Transportation Code if ordered by the court or otherwise required:

(1) administrative fee on dismissal of charge of driving with an expired motor vehicle registration (Sec. 502.407, Transportation Code) . . . not to exceed \$20;

(2) administrative fee on dismissal of

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(2) administrative fee on dismissal of charge of driving with an expired driver's license (Sec. 521.026, Transportation Code) . . . not to exceed \$20;

(2-a) administrative fee on remediation of charge of operation of a vehicle without a registration insignia (Sec. 502.473, Transportation Code) . . . not to exceed \$10;

(3) administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation; and

(4) administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

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(2-a) administrative fee on remediation of charge of operation of a vehicle without a registration insignia (Sec. 502.473, Transportation Code) . . . not to exceed \$10;
(3) administrative fee for failure to appear for a complaint or citation on certain offenses (Sec. 706.006, Transportation Code) . . . \$30 for each violation; and
(4) administrative fee for failure to pay or satisfy certain judgments (Sec. 706.006, Transportation Code) . . . \$30.

SECTION 9.119. (a) Section 103.027(a), Government Code, is amended.
(b) The following are repealed:
(1) Section 103.0271, Government Code; and
(2) Section 103.0292, Government Code, as added by Chapter 1167 (S.B. 484), Acts of the 83rd Legislature, Regular Session, 2013.

SECTION 9.119. Same as engrossed version.

ARTICLE 10. CHANGES RELATING TO HEALTH AND SAFETY CODE

Same as engrossed version.

ARTICLE 11. CHANGES RELATING TO INSURANCE CODE

Same as engrossed version.

ARTICLE 12. CHANGES RELATING TO LOCAL GOVERNMENT CODE

Same as engrossed version.

ARTICLE 13. CHANGES RELATING TO NATURAL RESOURCES CODE

Same as engrossed version.

ARTICLE 14. CHANGES RELATING TO OCCUPATIONS CODE

Same as engrossed version.

ARTICLE 15. CHANGES RELATING TO SPECIAL DISTRICT LOCAL LAWS CODE

Same as engrossed version.

ARTICLE 16. CHANGES RELATING TO TAX CODE

Same as engrossed version.

ARTICLE 17. CHANGES RELATING TO TRANSPORTATION CODE

Same as engrossed version.

ARTICLE 18. CHANGES RELATING TO WATER CODE

Same as engrossed version.

ARTICLE 19. CHANGES RELATING TO

Same as engrossed version.

THE DISPOSITION OF CERTAIN CIVIL
STATUTES

ARTICLE 20. CHANGES RELATING TO
THE ESTATES CODE AND
CODIFICATION OF THE TEXAS
PROBATE CODE

Same as engrossed version.

ARTICLE 21. REDESIGNATIONS

Same as engrossed version.

ARTICLE 22. EFFECTIVE DATE

Same as engrossed version.

SECTION 22.001. Except as otherwise
provided by this Act, this Act takes effect
September 1, 2015.

SECTION 22.001. Same as engrossed
version.