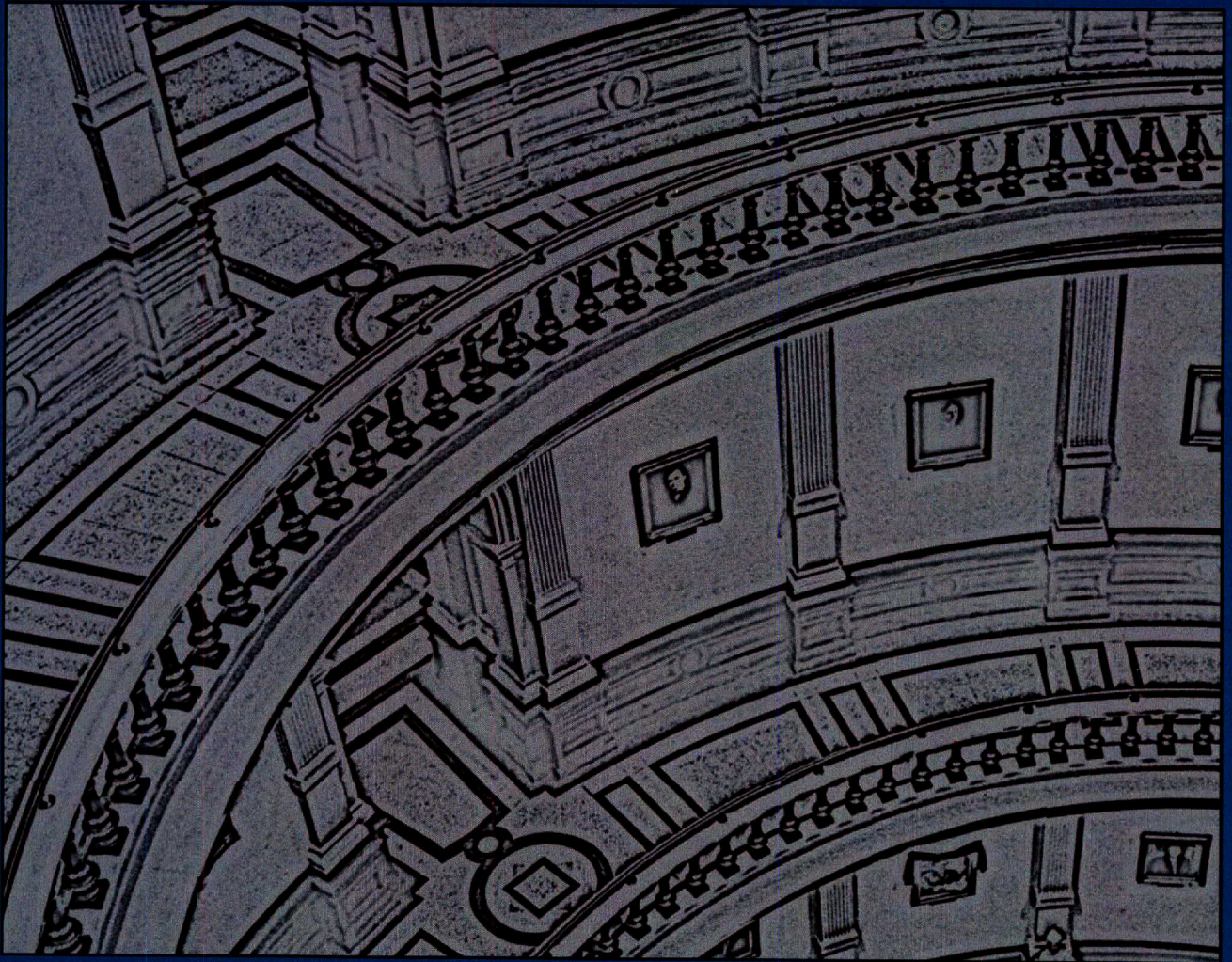


Reading Statutes and Bills

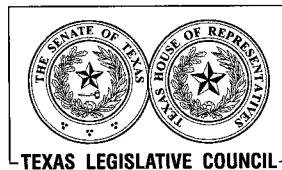


Texas Legislative Council
For the 84th Legislature

Reading Statutes and Bills

Prepared by the Research Division
of the
Texas Legislative Council

Published by the
Texas Legislative Council
P.O. Box 12128
Austin, Texas 78711-2128



Lieutenant Governor David Dewhurst, Joint Chair
Speaker Joe Straus, Joint Chair
Jeff Archer, Executive Director

For the 84th Legislature

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Preface

The purpose of this publication is to provide a basic overview of Texas statutes and bills and tips for how best to read and understand them.

For a more comprehensive guide to understanding and analyzing the statutes and legislation, the reader may refer to the *Texas Legislative Council Drafting Manual* (<http://www.tlc.state.tx.us/legal/dm/draftingmanual.pdf>). The publication is also available in hard copy from the council by calling (512) 463-1144 or by sending an e-mail to house.documentdistribution@tlc.state.tx.us.

Statutes

Statutes are the laws of a state as enacted by the legislature and approved by, or allowed to take effect without approval of, the governor. Bills, the legislative documents used to pass or amend laws, are read in the context of existing statutes. Understanding existing law and how it is affected by a bill is fundamental to reading and understanding a bill. With a basic understanding of how to read the statutes, you will be better prepared to read and understand a bill.

Each bill passed by the legislature and not vetoed by the governor becomes effective according to the terms outlined in the bill or general effective date provisions in the state constitution. Once effective, the text of the bill becomes law. Such law can be found in the 27 codes that are organized by topic, Vernon's Texas Civil Statutes, or the session laws.

Texas has revised its statutes four times: 1879, 1895, 1911, and 1925. The 1925 revision organized the statutes into a unified code. Each statute was titled and assigned a sequential article number that corresponded with its alphabetized title. This organization was published and bound in black volumes known as Vernon's Texas Civil Statutes by the same third-party publisher used today—West.

Subsequent additions to the law were incorporated into the organization established in 1925. To maintain the integrity of the statutes' numerical and alphabetical organization, West often added letters to the end of article designations for new laws relating to the same subject matter. Before long the statutes had become unwieldy and illogical in their numbering and organization.

In 1963, the legislature charged the Texas Legislative Council with conducting an ongoing nonsubstantive revision of the 1925 statutes. Under the revision program, the statutes are arranged into topical codes (e.g., Family Code or Health and Safety Code) and numbered using a system that accommodates future expansion of the law. In addition, the revision eliminates repealed, invalid, and duplicative provisions. The few 1925 statutes that have not been incorporated into a code may be found in Vernon's Texas Civil Statutes.

In contrast, certain bills enact new law without reference to a code or civil statute section. These laws can be found only in the session law volumes, which are published and bound by West as the General and Special Laws. After a bill is signed by the governor or the governor allows the bill to become law without a signature, it is assigned a chapter number that corresponds with the order in which the bill is filed with the secretary of state. The session law volumes are organized by chapter number. This chapter designation is often used to identify a specific bill from a specific session, such as Chapter 981 (H.B. 1125), Acts of the 74th Legislature, Regular Session, 1995. However, most bills amend codes or the uncodified civil statutes, and the changes they make are incorporated into the appropriate code or Vernon's Texas Civil Statutes.

West publishes the printed sources for the statutes—the Vernon's Texas Civil Statutes (for those laws yet to be codified) and the Vernon's Texas Codes Annotated. The Vernon's volumes contain pocket parts, which are temporary additions to each volume that reflect changes in the statutes that have occurred since the hardbound volume was last published. Pocket parts are found in the back of the appropriate hardbound volume.

The statutes are most easily accessed online via the Texas Constitution and Statutes website, which is maintained by Texas Legislative Council staff and regularly updated and corrected.

How Codes and Statutes Are Organized

Most codes are organized at the levels shown below:

```
TITLE 1. HEADING
SUBTITLE A. HEADING
CHAPTER 1. HEADING
SUBCHAPTER A. HEADING
PART 1. HEADING

Sec. 1.01. Heading. (section)
    (a) (subsection)
        (1) (subdivision)
            (A) (paragraph)
                (i) (subparagraph)
                    (a) (sub-subparagraph)
```

Some codes, such as the Code of Criminal Procedure, are organized by articles:

```
TITLE 1. HEADING
CHAPTER 1. HEADING

Art. 1.01. Heading. (article)
    Sec. 1. (section)
```

The uncodified statutes found in the Vernon's Texas Civil Statutes volumes are less consistent, but follow organizational schemes similar to those above.

How to Read a Statute

Many statutes are straightforward and easily understood. Others are complicated and difficult to comprehend. Often the difficulty is because of the way the statute is constructed rather than because of the complexity of the subject matter. Long, complex sentences, numerous cross-references, dependent subdivisions, and phrases that except application of the statute can make the meaning difficult to follow.

Below are a few tips to help you when you first read a statute. Develop a habit of reading each statute at least three times. First, read it straight through without stopping. Then read it more carefully, using the following techniques to aid in your understanding. Finally, read it straight through once more.

- Check for the context of the statute. Think of the statute as a unit of law that is part of a series of units of law and scan the table of contents to see what sections precede and follow the section you are reading. If there is a short title section (usually at the beginning of the chapter or subchapter), read it.

Sec. 262.021.	Short Title
Sec. 262.022.	Definitions
Sec. 262.0225.	Additional Competitive Procedures
Sec. 262.023.	Competitive Requirements for Certain Purchases
Sec. 262.0235.	Procedures Adopted by County Purchasing Agents for Electronic Bids or Proposals
Sec. 262.024.	Discretionary Exemptions
Sec. 262.0241.	Mandatory Exemptions: Certain Recreational Services
Sec. 262.0245.	Competitive Bidding Procedures Adopted by County Purchasing Agents
Sec. 262.025.	Competitive Bidding Notice
Sec. 262.0255.	Additional Notice and Bond Provisions Relating to Purchase of Certain Equipment
Sec. 262.0256.	Pre-bid Conference for Certain Counties or a District Governed by Those Counties
Sec. 262.026.	Opening of Bids

- Look for a definitions section (if present, it is usually found at the beginning of a chapter or subchapter) and read it. Make sure you understand references to general terms like “department,” “agency,” or “executive director.” A definition may be used in the statutes to avoid repetition of a long term, for example, using the term “department” to refer to the Department of State Health Services. Other sources for existing definitions are the Code Construction Act (Chapter 311, Government Code), which applies to all codes enacted as part of the legislature’s statutory revision program; Chapter 312, Government Code, which applies to civil statutes generally; and Section 1.07, Penal Code, which is among several provisions of that code that apply to penal laws generally.
- Read the complete heading (code/title/chapter/subchapter/section) to establish how the section fits into the entire code’s organization.

VERNON’S TEXAS STATUTES AND CODES ANNOTATED
LOCAL GOVERNMENT CODE
TITLE 8. ACQUISITION, SALE, OR LEASE OF PROPERTY
SUBTITLE B. COUNTY ACQUISITION, SALE, OR LEASE OF PROPERTY
CHAPTER 262. PURCHASING AND CONTRACTING AUTHORITY OF COUNTIES
SUBCHAPTER C. COMPETITIVE BIDDING IN GENERAL
Sec. 262.023. Competitive Requirements for Certain Purchases

- Pay close attention to the statute’s format and organization. Look for breaks in the text. Assume everything in the statute has meaning, including punctuation and format.
- Look for keywords:
 - important “action” words such as “may,” “shall,” or “must” that establish whether a provision requires or authorizes some action or condition;

- exceptions to the application of the statute, signaled by keywords such as “only,” “under,” “over,” “more than,” “less than,” “if,” and “unless”; or
- a series ending in “and” or “or” that indicates whether all the elements of the series are included or only one of the elements needs to be included to satisfy the series.
- Do not skip over words that you do not know or fully understand. Do not rely on context for the meaning of a word about which you are unsure. Do not assume a word (e.g., “person”) has the same meaning that it has in everyday conversation.
- Read through cross-referenced sections in their entirety. If a cross-reference is to an entire chapter or subchapter, read through the chapter’s or subchapter’s table of contents and definitions section to learn the context. In the following example, without reading the cross-referenced Section 93.011, the reader will not know the circumstances under which the savings bank has closed.

Sec. 93.012. EFFECT OF CLOSING. (a) A day on which a savings bank or one or more of its operations are closed under Section 93.011 during all or part of its normal business hours is considered to be a legal holiday to the extent the savings bank suspends operations.

Bills

The Texas Constitution provides that “[n]o law shall be passed, except by bill.” As a result, the bill is the exclusive means by which the legislature may enact, amend, or repeal a statute.

Enacted bills can be accessed via the Texas Legislative Information System (TLIS—legislative resource, available online at <http://tlis/>) on Capweb (<http://capweb/>) and Texas Legislature Online (TLO—public resource, available online at <http://www.capitol.state.tx.us/>). Bills that have been filed but have not made it through the entire legislative process also can be accessed via TLIS or TLO. Bills are distributed in either electronic format or hard copy, or both, to members of the legislature at certain stages of the legislative process.

How Bills Are Organized

Most bills are organized into *sections*.

SECTION 1. Subtitle H, Title 3, Education Code, is amended by adding Chapter 155 to read as follows:

CHAPTER 155. SEVERE STORM RESEARCH AND PLANNING CENTER

. . .

Sec. 155.003. ADMINISTRATION. (a) The commission shall administer the center.

(b) The commission shall . . .

Long bills use *articles* to group related sections of a bill:

ARTICLE 1. TRANSFER OF DUTIES TO COMPTROLLER

SECTION 1.01. Sections 2151.002, 2151.003, and 2151.004, Government Code, are amended to read as follows:

Sec. 2151.002. DEFINITION [~~DEFINITIONS~~]. . . .

ARTICLE 2. DEPARTMENT OF INFORMATION RESOURCES

SECTION 2.01. Section 35.102(c), Business & Commerce Code, is amended to read as follows:

In a bill, the sections and articles of the bill are spelled out in full in all-capital letters; this formatting helps distinguish bill sections and articles from the sections and articles of the statutes being amended by the bill.

Parts of a Bill

Each bill is composed of three basic parts: introductory language, substantive provisions, and procedural provisions.

Introductory language. The standard features of a bill include the heading, the caption, and the enacting clause, which are referred to collectively as introductory language.

Here is an example of a bill's introductory language:

By: Smith	H.B. No. 1
A BILL TO BE ENTITLED	
AN ACT	
relating to the penalty for criminal trespass.	
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:	

The first line at the top of the first page of every bill is the heading, sometimes referred to as the "byline." The heading indicates the chamber in which the bill was introduced, the bill number, and the author's name. Below the heading are the caption and the enacting clause, which are both required by the Texas Constitution to be included in every bill. The caption is meant to give legislators and other persons a convenient way to determine the subject of the bill and usually includes the phrase "relating to." The enacting clause is in all caps, is indented, and ends with a colon. For purposes of understanding the bill, the caption is the most important part of the introductory language because it serves as an immediate explanation of the bill's subject matter.

Substantive provisions. Following the introductory language are the substantive provisions of the bill. A bill may include a short title, a statement of policy or purpose, definitions, principal operative provisions, and enforcement provisions. We'll revisit some of these provisions within the context of learning to read a bill, but some provisions merit further explanation here.

- **Short title.** A short title is neither required nor appropriate for most bills, but sometimes is included in a bill to provide a convenient way of citing a major, cohesive body of law that deals comprehensively with a subject. Here's an example from the Agriculture Code:

Sec. 58.001. SHORT TITLE. This chapter may be cited as the Texas Agricultural Finance Act.
--

- **Statement of policy or purpose.** A statement of policy or purpose is neither required nor appropriate for most bills, but may sometimes be included when a substantial body of new law is introduced or when the operative provisions of a short bill do not clearly indicate what the bill is intended to accomplish. Here's an example from the Health and Safety Code:

Sec. 773.201. LEGISLATIVE INTENT. The legislature finds that a strong system for stroke survival is needed in the state's communities in order to treat stroke victims in a timely manner and to improve the overall treatment of stroke victims. Therefore, the legislature intends to construct an emergency treatment system in this state so that stroke victims may be quickly identified and transported to and treated in appropriate stroke treatment facilities.

- **Definitions.** A bill may include an entire section dedicated to definitions of terms that apply to a code, a title, a chapter, or a subchapter, or it may define terms in a statutory subsection that apply only to that statutory section.
- **Principal operative provisions.** There are two categories of principal operative provisions. Administrative provisions relate to the creation, organization, powers, and procedures of the governmental units that enforce the law. Substantive provisions grant or impose on a class of persons rights, duties, powers, and privileges and may govern conduct by establishing either a mandate or a prohibition.
- **Enforcement provisions.** An enforcement provision prescribes a punishment for violating a mandate or a prohibition. Such a provision generally establishes a criminal penalty, a civil penalty, an administrative penalty, injunctive relief, or civil liability as a consequence of violating the mandate or prohibition.

Bills can amend the codes and statutes by adding new language or changing existing language. Provisions that directly amend an existing statute must follow two format conventions. First, the language describing the statute being amended, also called the recital, must refer to the official citation of that statute.

SECTION 1. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Second, the rules of the senate and house of representatives require new language to be underlined and deleted language to be stricken through and bracketed so the reader can compare the current version of the law with the proposed version. The use of brackets is similar to the use of quotations. If there is an opening bracket, there must be a closing bracket. If multiple paragraphs are bracketed, there should be an opening bracket at each indentation, but not at the end or beginning of each line.

SECTION 1. Section 1702.169, Occupations Code, is amended to read as follows:

Sec. 1702.169. FIREARM RESTRICTIONS. A commissioned security officer other than a person acting as a personal protection officer may not carry a firearm unless:

(1) the security officer is:

(A) engaged in the performance of duties as a security officer; or

(B) traveling [~~directly~~] to or from the place of assignment;

(2) the security officer wears a distinctive uniform indicating that the individual is a security officer; and

(3) the firearm is in plain view[~~, except as provided by Section 1702.206~~].

Bills also can amend the law by repealing existing provisions. Repealers work by citing the portion of law to be repealed and may appear as an entire bill section or as a subsection within a bill section. Be cautious as these provisions can be overlooked when reading a bill.

SECTION 4. The Automobile Club Services Act (Article 1528d, Vernon's Texas Civil Statutes) is repealed.

(See Section 3.11 of the *Texas Legislative Council Drafting Manual* for a complete discussion of repealers.)

Procedural provisions. There are three types of procedural provisions: severability provisions, saving and other transition provisions, and effective date provisions. Some are of temporary significance, and they are not incorporated into the codes or revised statutes, but appear only in the session laws.

There are two types of severability provisions: severability clauses and nonseverability clauses. They have been used in bills to resolve the question of whether, when part of a statute is held to be invalid, the remainder of the statute is invalid. There is no practical need for severability clauses since Sections 311.032 and 312.013, Government Code, provide that all statutes are severable unless specifically declared otherwise. However, severability clauses still occasionally appear in bills.

Nonseverability clauses are used to make it clear that parts of a statute are meant to be treated together and rise and fall together under a constitutionality challenge. There are general nonseverability clauses, which declare that none of the provisions of an act are severable, and special nonseverability clauses, which declare that specific provisions are not severable.

SECTION 3. NONSEVERABILITY. Section 1 of this Act, prohibiting the manufacture of widgets without a license, and Section 2 of this Act, imposing a tax on the manufacture of widgets, are not severable, and neither section would have been enacted without the other. If either provision is held invalid, both provisions are invalid.

(See Section 3.13 of the *Texas Legislative Council Drafting Manual* for a complete discussion of severability and nonseverability clauses.)

A saving provision "saves" from the application of a law certain conduct or legal relationships that occurred before or existed on the effective date of the law. The most common saving provision applies to criminal or civil offenses:

SECTION 9. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

A transition provision provides for the orderly implementation of legislation to avoid the confusion that can result from an abrupt change in the law. A common type of transition provision provides instruction for the transfer of powers and duties from one agency to another; another common type directs an agency to adopt rules or procedures required by a general substantive provision. Both can be found in the following example:

SECTION 5.03. . . . (b) In accordance with the transition plan developed by the Texas Department of Transportation and the Texas Department of Licensing and Regulation under Subsection (a) of this section, on January 1, 2008:

(1) all functions and activities performed by the Texas Transportation Commission and the Texas Department of Transportation relating to tow trucks, towing operations, or vehicle storage facilities immediately before that date are transferred to the Texas Department of Licensing and Regulation;

SECTION 5.04. Not later than April 1, 2008, the Texas Commission of Licensing and Regulation shall adopt rules relating to an original application for a permit or license under Chapter 2303, Occupations Code, as amended by this Act, and Chapter 2308, Occupations Code, as added by this Act.

The Texas Constitution provides that a law may not take effect “until ninety days after the adjournment of the session at which it was enacted” unless the legislature provides for an earlier effective date by a vote of two-thirds of the membership. There are six standard types of effective date provisions: immediate effect, a specific effective date before the 91st day, a specific effective date after the 91st day, an effective date contingent on an event or expiration of a period of time, an effective date contingent on passage of another bill or constitutional amendment, and an effective date contingent on an appropriation. In addition, a bill may have no effective date provision; in that case, it is effective on the 91st day after adjournment. Parts of a single bill may take effect on different dates. (See Section 3.14 of the *Texas Legislative Council Drafting Manual* for a more thorough discussion of effective date provisions.)

A bill also occasionally has an “emergency clause,” which permits the legislature by extraordinary vote to suspend the constitutional rule requiring a bill to be read on three several days. The need to include an emergency clause in a bill was eliminated by constitutional amendment in 1999, so it may be ignored if it appears.

How to Read a Bill

Scanning the substantive provisions of a bill for certain features can help you learn valuable information quickly, in much the same way that reading the caption informs you about a bill's general subject matter.

- Check to see if the bill is adding new language, amending existing language, or both, by looking for underlined or stricken and bracketed language. If you are reading the session laws, new language is indicated by italics rather than underlining.

Without even reading for comprehension, simply noticing the amount and placement of underlining or italics and bracketing will give you an idea of the bill's complexity. If the bill intersperses new language, such as individual words or qualifying phrases, throughout an amendable unit, the bill may be more difficult to understand than a bill that simply adds an entire new section or subchapter. This does not necessarily mean that the subject matter or effect of the bill is more complicated; what the bill is doing, however, may be less apparent.

- Look for definitions. This can help determine the scope of a bill and provide clues about its focus. What agencies or entities are involved? Is the bill directed at a particular group?
- Scan the recital for each bill section. Is the bill adding or amending just one section or article of the statutes? Is it adding or amending a subsection? Is it adding an entire subchapter or chapter? Is it making a series of similar changes to sections in different codes or different chapters of one code?
- Look for conforming changes. Many times a bill makes a single substantive change to the law that necessitates related changes to be made in other sections of law. These changes are known as conforming changes. Identify such changes and move on; don't spend time trying to understand a change if it is not substantively changing the statute. These changes are often easy to spot because they involve multiple insertions or deletions of the same words or phrases.
- Check for repealers. What provisions does the bill repeal? How many repealers are there? Is the bill replacing one chapter or subchapter with another?
- Refer to the surrounding statutes to put the bill or bill section in context. The following is a description of a bill section without reference to the statutes:

A health care provider forfeits its claim for reimbursement if the payment claim is filed later than the 95th day following the date on which the health care services were provided.

The following is a description of the same bill after referring to the statutes:

A workers' compensation health care provider forfeits its claim for reimbursement for health care services provided to an injured employee if the payment claim is filed later than the 95th day following the date on which the care services were provided.

In many cases you will recognize much of what the bill is doing after following these steps. As examples, let's review three bills. Our first example is House Bill 3378, 77th Legislature, Regular Session, 2001.

A BILL TO BE ENTITLED
AN ACT

relating to composition of the Texas Department of Mental Health and Mental Retardation.

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

SECTION 1. Section 532.001(b), Health and Safety Code, is amended to read as follows:

(b) The department also includes community services operated by the department and the following facilities:

- (1) the central office of the department;
- (2) the Austin State Hospital;
- (3) the Big Spring State Hospital;
- (4) the Kerrville State Hospital;
- (5) the Rusk State Hospital;
- (6) the San Antonio State Hospital;
- (7) the Terrell State Hospital;
- (8) the North Texas State Hospital;
- (9) the Abilene State School;
- (10) the Austin State School;
- (11) the Brenham State School;
- (12) the Corpus Christi State School;
- (13) the Denton State School;
- (14) the Lubbock State School;
- (15) the Lufkin State School;
- (16) the Mexia State School;
- (17) the Richmond State School;
- (18) the San Angelo State School;
- (19) the San Antonio State School;
- (20) ~~the Amarillo State Center;~~
- ~~(21) the Beaumont State Center;~~
- ~~(22) the El Paso State Center;~~
- (21) ~~[(23) the Laredo State Center;~~
- ~~(24)]~~ the Rio Grande State Center; and
- (22) ~~[(25)]~~ the Waco Center for Youth.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

House Bill 3378 is fairly simple to assess by employing the scanning techniques. The caption establishes that the bill relates to the composition of the Texas Department of Mental Health and Mental Retardation. The amended statute is a list of facilities that are included in the department. The underlining and bracketing should immediately indicate that facilities are being removed from the list.

In essence, House Bill 3378 amends the Health and Safety Code to remove the Amarillo State Center, the Beaumont State Center, and the Laredo State Center from the list of facilities included in the Texas Department of Mental Health and Mental Retardation.

Our next example is House Bill 2724 from the 80th Legislature.

By: Thompson

H.B. No. 2724

A BILL TO BE ENTITLED
AN ACT

relating to the hours for the wholesale delivery or sale of beer in certain counties.

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

SECTION 1. Chapter 105, Alcoholic Beverage Code, is amended by adding Section 105.052 to read as follows:

Sec. 105.052. SALE OF BEER BY DISTRIBUTOR'S LICENSEE IN CERTAIN METROPOLITAN AREAS. In addition to the hours specified for the sale of beer in Section 105.05(b), the holder of a general, local, or branch distributor's license whose premises is located in a county with a population of 1.8 million or more or in a county adjacent to a county with a population of 1.8 million or more may sell, offer for sale, or deliver beer beginning at 4 a.m. on any day except Sunday.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

You can learn what the bill is about just from scanning the caption and the section heading to Section 105.052, Alcoholic Beverage Code. The caption tells you that the bill will affect the hours for the wholesale delivery or sale of beer in certain counties. You may infer from this that the bill will either extend or reduce the hours during which wholesale delivery or sale of beer can occur. Note the use of the word "certain" in the caption and the section heading. This is a keyword

alerting you to the fact that the bill will not affect all counties, and those affected will be defined or described in the bill.

Now note that the added statutory language begins with “[i]n addition to the hours . . .” Clearly the bill is adding to the hours during which wholesale delivery or sale of beer can occur. So now you have two items to look for in the body of the bill when you read for comprehension: the counties to which the bill applies and the new hours during which delivery or sale can occur.

Also note that the new hours are in addition to the hours specified in Section 105.05(b), Alcoholic Beverage Code. When you read for comprehension, you should read that section to obtain even more context for the changes made by the bill.

(b) A person may sell, offer for sale, or deliver beer between 7 a.m. and midnight on any day except Sunday. On Sunday he may sell beer between midnight and 1:00 a.m. and between noon and midnight, except that permittees or licensees authorized to sell for on-premise consumption may sell beer between 10:00 a.m. and noon if the beer is served to a customer during the service of food to the customer.

In summary, House Bill 2724 amends the Alcoholic Beverage Code to authorize the holder of a general, local, or branch distributor’s license whose premises is located in a county with a population of at least 1.8 million or in a county adjacent to such a county to sell or deliver beer beginning at 4 a.m. on any day except Sunday. This is in addition to any other period during which the sale or delivery of beer is authorized.

Now let’s review a slightly more difficult bill, Senate Bill 1613 from the 80th Legislature.

By: Duncan, Fraser

S.B. No. 1613

A BILL TO BE ENTITLED

AN ACT

relating to the payment of damages awarded against members of local governments, including directors of soil and water conservation districts.

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

SECTION 1. Section 102.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 102.001. DEFINITIONS. In this chapter:

(1) “Employee” includes an officer, volunteer, or employee, a former officer, volunteer, or employee, and the estate of an officer, volunteer, or employee or former officer, volunteer, or employee of a local government. The term includes a member of a governing board. The term does not include a county extension agent.

(2) “Local government” means a county, city, town, special purpose district, including a soil and water conservation district, and any other political subdivision of the state.

SECTION 2. The amendment by this Act of Section 102.001, Civil Practice and Remedies Code, is intended to clarify rather than change the existing law.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Two aspects of Senate Bill 1613 should stand out immediately. First, the caption explains that the bill relates to the payment of damages awarded against certain members of local governments. Notice that the bill achieves its purpose by amending the definitions section of Chapter 102, Civil Practice and Remedies Code. To fully understand Senate Bill 1613, you need to read the surrounding statutes. What are the damages to which the bill refers? What is the subject matter of Chapter 102? You should look up that chapter and, at the very least, read through the subchapter and section headings to understand the context of the bill.

Second, note that the bill is not actually making a change in the law. The statement of intent in SECTION 2 makes that clear. This is a rare example. The bill's single purpose is to clarify the law.

Senate Bill 1613 clarifies that the authority of a local government to pay actual damages awarded against one of its employees and to provide legal counsel in a suit for such damages may be exercised by a soil and water conservation district on behalf of a member of the district's governing board.

The examples we've used provide a good starting point for learning how to read and understand a bill, but this publication is not intended to provide an answer to every question you may have or cover every scenario you may encounter as a reader. For a more comprehensive guide to understanding and analyzing the codes and legislative documents, you may refer to the *Texas Legislative Council Drafting Manual*, which is available in hard copy from the council by calling (512) 463-1144 or online at <http://www.tlc.state.tx.us/legal/dm/draftingmanual.pdf>.

