

Reading Statutes and Bills

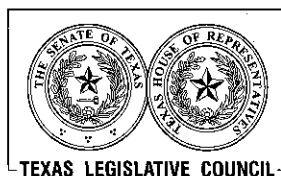


Texas Legislative Council
For the 85th Legislature

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 Dan Patrick, Joint Chair
Speaker Joe Straus, Joint Chair
Jeff Archer, Executive Director

For the 85th Legislature

*The mission of the Texas Legislative Council is
to provide professional, nonpartisan service and support
to the Texas Legislature and legislative agencies.
In every area of responsibility,
we strive for quality and efficiency.*

Copies of this publication have been distributed in compliance with the state depository law (Subchapter G, Chapter 441, Government Code) and are available for public use through the Texas State Publications Depository Program at the Texas State Library and other state depository libraries. This publication can be found at http://www.tlc.texas.gov/lege_ref.

Additional copies of this publication may be obtained from the council:

By mail: P.O. Box 12128, Austin, TX 78711-2128

By phone: (512) 463-1144

By e-mail: house.documentdistribution@tlc.texas.gov

By online request form (legislative offices only): <http://bilreq/House.aspx>

If you have questions or comments regarding this publication, please contact the research division of the Texas Legislative Council by e-mail at RSCHweb@tlc.texas.gov.

Contents

Introduction	.v
Statutes	1
How Codes and Statutes Are Organized	1
External Organization	1
Internal Organization.	2
Parts of a Statute.	3
Tips for Reading and Understanding a Statute.	4
Bills.	6
How Bills Are Organized	6
General Organization.	6
Parts of a Bill	7
Introductory Language	8
Substantive Provisions.	8
Procedural Provisions	9
Tips for Reading and Understanding a Bill.	.13
Practice Exercises	.15
Exercise 1	.15
Exercise 2	.16
Exercise 3	.17

Introduction

The purpose of this publication is to provide a basic overview of Texas statutes and bills and tips for reading and understanding them. The following sources provide additional information.

Statutes. The statutes are most easily accessed online via the Texas Constitution and Statutes website (<http://www.statutes.legis.texas.gov/Index.aspx>), which is maintained by the Texas Legislative Council and regularly updated and corrected.

Bills. Bills can be accessed via the Texas Legislative Information System (TLIS—a legislative resource available online at <http://tlis/> or through Capweb, <http://capweb/>) and Texas Legislature Online (TLO—a public resource available online at <http://www.legis.texas.gov/>). Bills are distributed in either electronic format or hard copy, or both, to members of the legislature at certain stages of the legislative process.

Bill Drafting. For a comprehensive guide to understanding and analyzing the codes and legislative documents, you may refer to the Texas Legislative Council Drafting Manual, which is available online at <http://www.tlc.texas.gov/docs/legref/draftingmanual.pdf> or in hard copy form by calling the council at (512) 463-1144.

Reading Statutes and Bills

[Section 1, Article III, Texas Constitution](#), vests the legislative power of Texas in a Senate and House of Representatives. Statutes are the laws of a state as enacted by the legislature and approved by, or allowed to take effect without the signature of, the governor. Bills, the legislative documents used to create 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.

Statutes

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 session laws and in *Vernon's Texas Civil Statutes* or the 27 codes that are organized by topic.

How Codes and Statutes Are Organized

Texas Codes

Agriculture Code
Alcoholic Beverage Code
Business & Commerce Code
Business Organizations Code
Civil Practice and Remedies Code
Code of Criminal Procedure
Education Code
Election Code
Estates Code
Family Code
Finance Code
Government Code
Health and Safety Code
Human Resources Code
Insurance Code
Labor Code
Local Government Code
Natural Resources Code
Occupations Code
Parks and Wildlife Code
Penal Code
Property Code
Special District Local Laws Code
Tax Code
Transportation Code
Utilities Code
Water Code

External Organization

Codes. Most Texas statutes today are arranged into 27 topical codes (see box at left), which are the result of many decades of legislative enactment and revision of law. 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 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*.

Vernon's Texas Civil Statutes. Before the codification, Texas revised its statutes four times: 1879, 1895, 1911, and 1925. The 1925 revision organized the statutes into a unified body of law. 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*.

Subsequent additions to the law were incorporated into the organization established in 1925. To maintain the integrity of the statutes' numerical and alphabetical organization, the publisher often added letters to the

end of article designations for new laws relating to the same subject matter. Eventually, the statutes became confusing in their numbering and organization.

Session Laws. The above two organizational schemes include the cumulative body of law up to a point in time. In contrast, session laws are the compilation of the laws enacted during a particular legislative session. Bills that are passed during each legislative session and not vetoed by the governor are assigned a session law chapter number by the secretary of state that corresponds with the order in which the enacted bill is filed with the secretary of state. 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. Bills from each legislative session are compiled, organized by chapter number, published, and bound as the General and Special Laws, for that session.

Most bills amend the codes or civil statutes. Some bills, however, enact new law without reference to a *Vernon's Texas Civil Statutes* or code section, and these bills can be found in the session laws for that session and are usually incorporated into the civil statutes or a code, as appropriate, at a later time.

Internal Organization

Most codes are organized using the scheme shown below: title, subtitle, chapter, subchapter, section, etc. Sections are numbered decimally, and the number to the left of the decimal point denotes the chapter in which the section is contained. Gaps in chapter and section numbering usually exist for future expansion.

```
TITLE 1. HEADING
SUBTITLE A. HEADING
CHAPTER 1. HEADING
SUBCHAPTER A. 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)
(a) (subsection)
    (1) (subdivision)
```

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

Parts of a Statute

Statutory provisions vary in their internal structure and may include a short title, a statement of policy or purpose, definitions, principal operative provisions, and enforcement provisions. Some of these provisions will be discussed in the context of learning to read a statute, but some provisions merit further explanation here.

Short Title. A short title is neither required nor appropriate for most statutory provisions but sometimes is included to provide a convenient way of citing a major, cohesive body of law that deals comprehensively with a subject. The following is 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 statutory provisions but may be included when a substantial body of new law is enacted. The following is 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 statute 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.

Tips for Reading and Understanding a Statute

Many statutes are straightforward and easily understood, while others are more complicated. Cross-references, dependent subdivisions, and phrases that provide exceptions to an application of the statute can make the meaning difficult to follow.

Below are a few tips to help understand statutes.

- **Read the complete heading.** The heading (code/title/subtitle/chapter/subchapter/section) establishes how the section fits into the entire code's organization.

		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

- **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 PROCUREMENT PROCEDURES ADOPTED BY COUNTY PURCHASING AGENTS OR COMMISSIONERS COURT
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 and read it.** If present, it is usually found at the beginning of a chapter or subchapter. 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. Make sure you understand references to general terms like "department," "agency," or "executive director."

Additional Sources for Definitions

- Code Construction Act (Chapter 311, Government Code) applies to all codes enacted as part of the statutory revision program.
- Chapter 312, Government Code, applies to civil statutes generally.

- **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 key verbs.** Legislative drafters use important "action" words such as "may," "shall," or "must" that establish whether a provision requires or authorizes some action or condition. "Shall" denotes a duty imposed on a person or entity. "Must" denotes a condition that must be met or an event that must occur as a prerequisite to full legitimacy. "May" denotes a privilege or discretionary power. "Is entitled to" denotes a right, as opposed to discretionary power. "May not" and "shall not" denote a prohibition.

Key Verbs	
<i>Shall</i>	<i>Must</i>
<i>May</i>	<i>Is entitled to</i>
<i>May not</i>	<i>Shall not</i>

- **Look for exceptions to the application of the statute.** Exceptions are signaled by keywords such as "certain," "only," "under," "over," "more than," "less than," "if," and "unless" or signaled by 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 only on common understanding for the meaning of a word about which you are unsure, and do not assume a word (e.g., "person") has the same meaning that it has in everyday conversation. Use statutory context and definitions to determine the precise meaning of a word.
- **Read through cross-referenced sections in their entirety.** Legislative drafters avoid repetition of text by the use of cross-references to other statutory provisions. 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 discern the context. In the following example, without reading the cross-referenced Section 93.011, the reader would not know that the circumstances under which the savings bank has closed are emergency circumstances.

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.

Sec. 93.011. EMERGENCY CLOSING. (a) If the officers of a savings bank determine that an emergency that affects or may affect the savings bank's offices or operations exists or is impending, the officers, as reasonable, may determine:

Bills

Section 3C, Article III, 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. Among other requirements, Section 35 of that same article prescribes the one-subject rule: “No bill, (except general appropriation bills...) shall contain more than one subject.” The policy behind the one-subject rule is that a legislative proposal should stand on its own merits and not be combined with unrelated proposals to generate broader support, to prevent unrelated provisions from being added to the bill without being fully vetted, and to keep individual bills from becoming overly complex or massive. A bill containing more than one subject is subject to a point of order. A law enacted in violation of the one-subject rule is also subject to attack in court. However, this rule does not prohibit “omnibus” bills if every provision relates to a single subject.

How Bills Are Organized

General Organization

Sections and Articles. Most bills are organized into *sections*. Bill sections are spelled out in full in all capital letters—“SECTION”—followed by the number of the bill section.

```
SECTION 1. Section 134.014, Agriculture Code, is amended to read as follows:
  Sec. 134.014. LICENSE FEES; WAIVERS. (a) The department . . . .
SECTION 2. Section 66.077, Parks and Wildlife Code, is amended by adding Subsection (c-1) to read as follows:
  (c-1) The commission . . . .
```

On the other hand, articles may be used to organize long bills to allow the grouping of related sections of a bill. Bill articles are spelled out in full in all capital letters —“ARTICLE”— followed by the number of the bill article.

```
ARTICLE 1. DEPARTMENT OF BANKING
SECTION 1.01. Section 12.101, Finance Code, is amended to read as follows:
  Sec. 12.101. BANKING COMMISSIONER. (a) The banking commissioner . . . .
ARTICLE 2. COMPTROLLER OF PUBLIC ACCOUNTS
SECTION 2.01. Sections 2151.002, 2151.003, and 2151.004, Government Code, are amended to read as follows:
  Sec. 2151.002. DEFINITION [DEFINITIONS]. . . .
```

The all-capital-letter format helps distinguish bill sections and articles from the sections and articles of the statutes being amended by the bill. Bills are typically organized so that bill sections that make substantive changes to statute sections are ordered alphabetically by code then numerically within a particular code. Bill sections containing procedural provisions follow the substantive provisions.

Amendable Unit. [Section 36, Article III, Texas Constitution](#), prohibits the “blind amendment” of law — meaning a bill that amends law without fully revealing what is being changed. For example, a bill cannot read: *Section 42.004, Education Code, is amended by deleting “in accordance with the rules of the State Board of Education.”* As a result of this prohibition, a bill must include an amendable unit, i.e., the text of a law being amended in sufficient length to indicate the purpose of the change and express a complete thought. In Texas, the threshold for an amendable unit is a complete sentence.

Additional Information

See Section 3.10 of the [Texas Legislative Council Drafting Manual](#) for a complete discussion of amendments to existing law.

Format Conventions. Bills can amend the codes and statutes by adding new language or changing or deleting 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 (see below), must refer to the official citation of that statute.

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

Second, rules of the senate and house of representatives have traditionally required 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 753.004, Health and Safety Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), gasoline [Gasoline], diesel fuel, or kerosene may be stored in an aboveground storage tank [with a capacity of not more than 4,000 gallons] at a retail service station located in an unincorporated area or in a municipality with a population of less than 5,000.

(d-1) A commissioners court of a county with a population of 3.3 million or more may by order limit the maximum volume of an aboveground storage tank in an unincorporated area of the county in accordance with the county fire code.

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: Smithee	H.B. No. 3538
A BILL TO BE ENTITLED AN ACT	
relating to the adoption of the Uniform Interstate Family Support Act of 2008.	
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:	

Heading. 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 author's name, the chamber in which the bill was introduced (H.B. for a house bill and S.B. for a senate bill), and the bill number.

By: Smithee	H.B. No. 3538
-------------	---------------

Caption. Below the heading is the caption (also known as the title), which is required by [Section 35, Article III, 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. 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. The caption usually includes the phrase "relating to" as shown below.

relating to the adoption of the Uniform Interstate Family Support Act of 2008.

Additional Information

See Section 3.03 of the [Texas Legislative Council Drafting Manual](#) for a discussion of the title or caption.

Enacting Clause. [Section 29, Article III, Texas Constitution](#), also requires every bill to include an enacting clause in the exact language below. The enacting clause is in all caps, is indented, and ends with a colon.

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

Substantive Provisions

Since the bill is the vehicle for enactment of law, most of the provisions in a bill add, amend, or delete statutory provisions. Following the bill's introductory language are the substantive provisions as discussed in this publication's section on Parts of a Statute: short title, statement of policy or purpose, definitions, principal operative provisions, and enforcement provisions.

Some of a bill's substantive provisions, however, do not amend a code or statute section and bear further discussion 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. Some short titles are not introduced as an amendment to a particular statute and, therefore, are found only in the bill, like the following example from [S.B. 572, 81st Legislature](#):

SECTION 1. This Act shall be known as Jacob's Law.

Statement of Policy or Purpose. A statement of policy or purpose is neither required nor appropriate for most bills but may 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. Some statements of policy or purpose are not introduced as an amendment to a statute and, therefore, are found only in the bill, like the following example from [S.B. 1026, 83rd Legislature](#):

SECTION 4.01. LEGISLATIVE INTENT OF NO SUBSTANTIVE CHANGE. This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act. This Act does not increase or decrease the territory of any special district of the state as those boundaries exist on the effective date of this Act.

Repealers. Bills also can amend the law by repealing existing provisions. Repealers (see below) 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. Most repealers are found among the last sections of a bill or bill article. Be cautious as these provisions can make substantive changes.

SECTION 10. The following sections of the Occupations Code are repealed:
(1) Section 110.256;
(2) Sections 401.2535(h) and (i); and
(3) Section 402.154(h).

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

Additional Information
See Section 3.11 of the [Texas Legislative Council Drafting Manual](#) for a discussion of repealers.

Procedural Provisions

There are several types of procedural provisions: severability provisions, saving provisions, transition provisions, and effective date provisions. Some procedural provisions are of temporary

significance. As such, they are not incorporated into the codes or revised statutes but appear only in the session laws.

Severability Provisions. 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.

SECTION 3. SEVERABILITY. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

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.

Additional Information

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

Saving Provisions. 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, as shown below.

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.

Transition Provisions. 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.

Additional Information

See Section 3.12 of the [Texas Legislative Council Drafting Manual](#) for a discussion of transition provisions.

Effective Date Provisions. [Section 39, Article III, Texas Constitution](#), provides that a law, other than the general appropriations act, 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 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, and an effective date contingent on passage of another bill or constitutional amendment. A bill may also be made effective contingent on an appropriation. Below are examples of the effective date provisions.

Immediate effect:

SECTION 7. 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, 2017.

Specific effective date before the 91st day:

SECTION 7. This Act takes effect July 1, 2017, 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 effect on that date, this Act takes effect September 1, 2017.

Specific effective date after the 91st day:

SECTION 7. This Act takes effect September 1, 2017.

Effective date contingent on an event or expiration of a period of time:

SECTION 7. (a) This Act takes effect on the date the commissioner of education publishes the report required by Section 6 of this Act if that date:

(1) occurs before the 91st day after the last day of the legislative session and this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution; or

(2) occurs on or after the 91st day after the last day of the legislative session.

(b) If that date of publication occurs before the 91st day after the last day of the legislative session and this Act does not receive the vote necessary for effect on that publication date, this Act takes effect September 1, 2017.

Effective date contingent on the passage of another bill or a constitutional amendment:

SECTION 7. This Act takes effect September 1, 2017, but only if House Bill 1676, 85th Legislature, Regular Session, 2017, becomes law. If that bill does not become law, this Act has no effect.

SECTION 7. This Act takes effect on the date on which the constitutional amendment proposed by H.J.R. 45, 85th Legislature, Regular Session, 2017, takes effect. If that amendment is not approved by the voters, this Act has no effect.

Effectiveness contingent on an appropriation:

SECTION 7. The Texas Historical Commission is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement this Act using other appropriations available for the purpose.

Finally, a bill may have no effective date provision; in that case, it is effective on the 91st day after adjournment. Also note that parts of a single bill may take effect on different dates.

Additional Information

See Section 3.14 of the [Texas Legislative Council Drafting Manual](#) for a more thorough discuss on of effective date provisions.

Tips for Reading and Understanding 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.** To do this, look for underlined or bracketed language with strike throughs. 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 underlined or italicized text and bracketed text will give you an idea of the bill's complexity.

- **Look for definitions.** Definitions 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. For example, if the name of an agency is changed, every reference to the agency throughout the codes must be changed to conform to the new name.
- **Check for repealers.** Read the provisions that the bill repeals. How many repealers are there? Is the bill replacing one chapter or subchapter with another?
- **Refer to the surrounding sections of the statute to put the bill or bill section in context.** Understanding the context of the change to law made by the bill is essential to understanding the change. From an initial reading of the example below, the fee information in Subsection (b) of Sec. 214.194, Local Government Code, appears transparent. The alarm system permit fee charged by a municipality may not be more than \$50 per year.

Sec 214 194 MUNICIPAL PERMIT FEE GENERALLY (a) If a municipality adopts an ordinance that requires a person to pay an annual fee to obtain a permit from the municipality before the person may use an alarm system in the municipality, the fee shall be used for the general administration of this subchapter, including the provision of responses generally required to implement this subchapter other than specific responses to false alarms

(b) A municipal permit fee imposed under this section may not exceed the rate of \$50 a year for a residential location

However, the context provided by the surrounding statutes is key to accurately understanding the permit fee, as shown below.

	SUBCHAPTER F	BURGLAR ALARM SYSTEMS IN CERTAIN MUNICIPALITIES WHOLLY LOCATED IN CERTAIN COUNTIES
Sec	214 191	DEFINITIONS
Sec	214 1915	APPLICABILITY
Sec	214 192	CATEGORIES OF ALARM SYSTEMS
Sec	214 193	DURATION OF MUNICIPAL PERMIT
Sec	214 194	MUNICIPAL PERMIT FEE GENERALLY

Of particular note in this instance is Sec. 214.1915 (shown below) relating to applicability.

Sec	214 1915	APPLICABILITY	This subchapter applies only to a municipality with a population of less than 100,000 that is located wholly in a county with a population of less than 500,000
-----	----------	---------------	---

The provision limits the applicability of the subchapter to certain municipalities. An understanding of Sec. 214.194(b) must include the limitation imposed by the applicability provision. Therefore, a precise description of Subsection (b) would read as follows:

The alarm system permit fee charged by a municipality with a population of less than 100,000 that is located wholly in a county with a population of less than 500,000 may not be more than \$50 per year.
--

Practice Exercises

This section provides three bills that have been considered by the Texas Legislature, showing examples of underlining and bracketing and discussing points that must be considered when reading and understanding the bills.

Exercise 1

AN ACT

relating to the designation of certain fire marshals and related officers, inspectors, and investigators as peace officers

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS

SECTION 1 Article 2 12, Code of Criminal Procedure, is amended to read as follows

Art 2 12 WHO ARE PEACE OFFICERS The following are peace officers

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code.

(34) officers commissioned by the State Board of Dental Examiners under Section 254 013, Occupations Code, subject to the limitations imposed by that section, ~~and~~

(35) investigators commissioned by the Texas Juvenile Probation Commission as officers under Section 141 055, Human Resources Code, and

(36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

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, 2009

The change illustrated above is fairly simple. The caption establishes that the bill relates to who is considered a peace officer in Texas law. The amended statute is a list of persons considered peace officers, and the underlining and bracketing should immediately indicate that persons are being added to the list.

In essence, the bill amends the Code of Criminal Procedure to include among peace officers the fire marshal and any related officers, inspectors, or investigators appropriately commissioned by a county.

Exercise 2

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

First, scan 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 key word alerting you to the fact that the bill will not affect all counties, and those counties 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.

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 the 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, the bill 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.

Exercise 3

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 the bill 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 the bill, you need to scan the chapter. 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.

The bill 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.

