

**SUBJECT:** Nonsubstantive revision of business and commerce statutes

**COMMITTEE:** Economic Development — favorable, with amendment

**VOTE:** 7 ayes — Deshotel, Straus, Kolkhorst, Dunnam, Morrison, Ortiz, Veasey  
0 nays

**WITNESSES:** For — None  
Against — None  
On — Cynthia Gonzalez, Texas Legislative Council

**BACKGROUND:** Under Government Code, sec. 323.007, the Texas Legislative Council (TLC) must revise Texas statutes periodically to make them more accessible, understandable, and usable without altering their sense, meaning, or effect. As part of this process, the TLC reclassifies and rearranges statutes in a more logical order; employs a numbering system and format that will accommodate future expansion of the law; eliminates repealed, invalid, or duplicative provisions; and improves the draftsmanship of the law. The Council periodically recommends shifting provisions of existing law into the statutory codes.

Art. 3, sec. 43 of the Texas Constitution provides for recodifying statutes that relate to different subjects without substantive change and for this purpose allows an exception to the requirement in Art. 3, sec. 35 that bills contain no more than one subject expressed in the title.

**DIGEST:** HB 2278, as amended, would make nonsubstantive additions and revisions to the Business and Commerce Code and the Local Government Code involving business and commerce statutes, along with conforming and citation revisions to other codes. It would add new Titles 5 through 15 and Title 99 to the Business and Commerce Code and revise existing Title 4, Business Opportunities and Agreements. It also would add a new Subtitle C1, Additional Planning and Development Provisions Applying to More Than One Type of Local Government, to Title 12 of the Local

Government Code, repealing that provision of the Development Corporation Act of 1979 in Vernon's Texas Civil Statutes.

The bill would state as legislative intent that it would be enacted under Art. 3, sec. 43 of the Texas Constitution and that no substantive change in the law was intended.

The bill would take effect April 1, 2009.

**SUPPORTERS  
SAY:**

HB 2278, as amended, would enact the most recent installment of the recodification of the laws concerning business and commerce. This reorganization of existing law into statutory codes is an ongoing project of the TLC. The draft has been extensively reviewed and would make no substantive change in the law. It would comply with the purpose of recodification, which is to make statutory law more accessible, understandable, and usable without altering the sense, meaning, or effect of existing law. The bill would not take effect until April 1, 2009, in case current law under the existing statutes were amended by the 80th Legislature.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

The committee amendment would add a subchapter concerning liquefied petroleum gas containers to Title 99 of the Business and Commerce Code rather than the Natural Resources Code.

The companion bill, SB 1135 by Brimer, has been referred to the Senate Administration Committee.