

BILL ANALYSIS

Senate Research Center

H.B. 3157
By: Wolens (Harris)
Administration
4/29/1999
Engrossed

DIGEST

Currently, Texas law requires the Texas Legislative Council (council) 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logical order, employing a numbering system and format that will accommodate future expansion of the law, eliminating repealed, invalid, duplicative, and other ineffective provisions, and improving draftsmanship of the law if practicable--all toward promoting the stated purpose of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. The Government Code has been enacted in various titles, beginning with judicial and legislative branch titles in 1985, and continuing with the executive branch in 1987, the public retirement systems title in 1989, the intergovernmental relations title in 1987, the public retirement systems in 1989, the intergovernmental relations title in 1991, and the open government and ethics, public officers and employees, and general government titles in 1993. The proposed Public Securities Title will be Title 9 of the Government Code and represents the final title to be included in that code. H.B. 3157 would make nonsubstantive revisions to the Public Securities Title.

PURPOSE

As proposed, H.B. 3157 makes nonsubstantive revisions to the Public Securities Title, the sole purpose of which is to compile the relevant law, arrange it in a logical fashion, and rewrite it without altering its meaning or legal effect. If a particular source statute is ambiguous and the ambiguity cannot be resolved without potential substantive effect, the ambiguity is preserved.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Adopts the Public Securities Title, to make a nonsubstantive revision of statutory law relating to the issuance of bonds, notes, warrants, and other obligations by the state and its political subdivisions, including statutes generally applicable to all issuers of public securities.

SECTION 2. Conforming amendment to Chapter 301, Government Code, to make a nonsubstantive revision relating to the allocation of space in the legislative services office building.

SECTION 3. Conforming amendment to Section 443.0151, Government Code, to make a nonsubstantive revision of a law relating to the control of visitor parking facilities in the Capitol Complex.

SECTION 4. Conforming amendment to add Chapter 618, Government Code, to make a nonsubstantive revision of the Uniform Facsimile Signature of Public Officials Act.

SECTION 5. Conforming amendment to add Chapter 2259, Government Code, to make a nonsubstantive revision of law for self-insurance by governmental units.

SECTION 6. Conforming amendment to amend Section 105.091, Local Government Code, to make a nonsubstantive revision of certain laws relating to the duties and liability of a designated officer of a municipality in connection with interest and sinking funds for municipal bonds.

SECTION 7. Conforming amendment to amend Section 113.005, Local Government Code, to make a nonsubstantive revision of certain laws relating to the liability of a county treasurer in connection with

interest and sinking funds for county bonds.

SECTION 8. Conforming amendment to amend Section 113.041, Local Government Code, to make a nonsubstantive revision of a law relating to the duties of a county treasurer in connection with interest and sinking funds for county bonds.

SECTION 9. Conforming amendment to add Chapter 254, Local Government Code, to make a nonsubstantive revision of a law for the operation of island property by certain municipalities.

SECTION 10. Conforming amendment to Chapter 280, Local Government Code, to make a nonsubstantive revision of a law relating to the acquisition of property for a hospital site by a municipality or county.

SECTION 11. Conforming amendment to add Chapter 303, Local Government Code, to make a nonsubstantive revision of a law relating to public facility corporations.

SECTION 12. Conforming amendment to Chapter 323, Local Government Code, to make a nonsubstantive revision of law relating to county libraries.

SECTION 13. Conforming amendment to Chapter 402, Local Government Code, to make a nonsubstantive revision of certain laws relating to municipal utility systems.

SECTION 14. Conforming amendment to Chapter 411, Local Government Code, to make a nonsubstantive revision of a law relating to breakwaters in certain counties.

SECTION 15. Conforming amendment to add Chapter 413, Local Government Code, to make a nonsubstantive revision of a law relating to water, wastewater, and solid waste systems in certain counties.

SECTION 16. Conforming amendment to Chapter 421, Local Government Code, to make a nonsubstantive revision of certain laws relating to seawalls and levees in coastal municipalities and counties.

SECTION 17. Conforming amendment to Section 421.021(a), Local Government Code, to conform to changes made in SECTION 16 of the bill.

SECTION 18. Conforming amendment to Section 421.023, Local Government Code, to conform to changes made SECTION 16 of this bill.

SECTION 19. Conforming amendment to add Chapter 422, Local Government Code, to make a nonsubstantive revision of law relating to public utility agencies for the provision of water or sewer service.

SECTION 20. Conforming amendment to add Chapter 54, Transportation Code, to make a nonsubstantive revision of a law relating to harbor and port facilities in certain municipalities.

SECTION 21. Conforming amendment to Chapter 256, Transportation Code, to make a nonsubstantive revision of a law relating to county road laws.

SECTION 22. Conforming amendment to Chapter 256, Transportation Code, to make a nonsubstantive revision of a law relating to county road laws.

SECTION 23. Conforming amendment to Chapter 257, Transportation Code, to make a nonsubstantive revision of a law relating to county road laws.

SECTION 24. Conforming amendment to add Chapter 317, Transportation Code, to make a nonsubstantive revision of laws relating to the elimination of grade-level street crossings by railroad lines in certain municipalities.

SECTION 25. Conforming amendment to add Chapter 367, Transportation Code, to make a nonsubstantive revision of certain laws relating to municipal toll bridges over the Rio Grande.

SECTION 26. Conforming amendment to add Chapter 152, Water Code, to make a nonsubstantive

revision of a law relating to certain river authorities.

SECTION 27. Conforming amendment to Article 1175, V.T.C.S., to conform to changes made in SECTION 1 of this bill.

SECTION 28. Repeals the laws that are revised in this bill. Repeals laws that are obsolete or expired or that have been previously impliedly repealed. Repeals certain validating acts.

SECTION 29. States legislative intent to recodify only. Provides that bonds, notes, or other obligations issued under the provisions revised or repealed remain valid and binding. Provides that bonds, notes, or other obligations authorized but unissued on the effective date of the Act may be issued in compliance with the prior law.

SECTION 30. Effective date: September 1, 1999.

SECTION 31. Emergency clause.