
READING A BILL:

THINGS TO LOOK FOR IN ANALYZING A BILL FOR FISCAL IMPACT

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BILLS AND RESOLUTIONS

New laws and changes in existing laws are created as a result of the legislative process. An idea for a new law may be suggested by anyone: concerned citizens, special interest groups, state agencies, or the governor, but legislation is filed only by members of the Texas House of Representatives and of the Texas Senate. Legislative measures fall into two categories: (1) bills and (2) resolutions.

HOUSE AND SENATE BILLS

Individual bills are distinguished by a tracking system used by the legislature to differentiate one bill from another. Under the system, each bill is assigned a prefix (either HB for House Bill or SB for Senate Bill) and a number that reflects the sequence in which the bill was filed. For example, the first bill filed in the House would be HB 1, the second HB 2, and so forth. Similarly, the first bill introduced in the Senate is SB 1 and so forth. The prefix and number stays with the bill throughout the legislative process and is an easy way to identify a particular bill.

Each bill has an author and a sponsor. The author of a bill is the legislator who originally proposes the legislation. If Senator John Doe proposes SB 787, he is considered the author of SB 787. Senator Doe cannot, however, speak in favor of his bill on the House floor, so he needs a sponsor in the House of Representatives. The legislator who carries a bill in the chamber in which the bill was not proposed is called the sponsor.

A fiscal note is required for all versions of house and senate bills that are considered by either chamber.

RESOLUTIONS

There are three types of resolutions: (1) Joint Resolutions are proposals to amend the Texas Constitution or to ratify proposed amendments to the U.S. Constitution. If a Joint Resolution to amend the state constitution passes, the amendment requires voter approval to go

into effect. (2) Concurrent Resolutions express the legislature's opinion about a subject, provide instructions to state agencies, or propose a special study of an issue to be conducted during the interim between sessions. (3) Simple Resolutions offer formal congratulations to an individual or group for an accomplishment, or convey the legislature's expression of sympathy upon a death.

Both houses of the legislature must pass Concurrent and Joint Resolutions, but only the chamber in which it is introduced may consider a Simple Resolution. Fiscal notes are NOT prepared for Concurrent or Simple Resolutions, but ARE prepared for Joint Resolutions.

The resolution type is identified at the top of the text on the first page of each resolution. As with bills, a letter and sequential numbering system is used to distinguish one resolution from another. For example, the fourth Joint Resolution filed in the House would be HJR 4, while the fourth Joint Resolution filed in the Senate would be SJR 4. Similarly, Concurrent Resolutions that originate in the House are labeled as HCR and those that are filed in the Senate are labeled SCR. Simple Resolutions that are filed in the House carry the label HR, while those introduced in the Senate are labeled SR.

BILL AND RESOLUTION STRUCTURE

The top of each bill and resolution displays the name of the author and the bill number, followed by the title of the bill/resolution, and then the relating clause. Next is the enacting clause, and Articles and/or SECTIONS of the bill follow. The last SECTION of the bill/resolution states when the Act takes effect.

BILL/RESOLUTION VERSIONS

As a bill progresses through the legislative process, its content may change. Even if the wording remains the same, the bill is referred to as a different version (or printing) at each stage of the process. When analyzing a bill to write the fiscal note, it is vital to be looking at the correct version.

FILED

This is the first step in the legislative process; the bill is submitted and assigned a number. Members of the House of Representatives file bills with the chief clerk of the house. Senators file bills with the secretary of the senate. The version is identified by “Filed” or “Introduced” printed on the first page.

COMMITTEE REPORT

After a bill is filed, it is referred to a committee. If the committee takes action on the bill, a committee report is created. The committee report includes the recommendations of the committee to the full house or senate regarding action on the measure. There are two types of committee reports: Committee Substitute and Committee Amendment.

COMMITTEE SUBSTITUTE

A Committee Substitute is a complete, new bill or resolution recommended by a committee in lieu of the original measure. A committee will report a Committee Substitute rather than a large number of individual amendments when the committee decides to make a substantial number of changes to the original measure. The Committee Substitute must contain the same subject matter as the original measure. The substitute is identified by the phrase, “Committee Substitute for (HB, SB, HJR, or SJR) by (name of the legislator who offered the substitute in committee)” printed on the first page. In addition, the letters C.S. are printed in front of the normal bill number at the top right hand corner of the second and subsequent pages (e.g., HB 4 becomes CSHB 4).

COMMITTEE AMENDMENT

An amendment is any proposed alteration to a bill or resolution as it moves through the legislative process. Amendments to a measure may be proposed by members in their assigned committees or by any member of a chamber during that chamber’s second reading or third reading consideration of

the measure. A Committee Amendment version shows only the specific changes that the committee has voted and does not have to be incorporated into another version of the bill. It can be identified by the phrase “House/Senate Committee Amendments to HB/SB” printed on the first page. To analyze the fiscal impact of the amendments, it is necessary to have both the original Filed version and the Committee Amendments to compare the two to see what changes have been made.

Remember that both House and Senate committees can and do produce Committee Substitutes and Committee Amendments for the same bill. These can be very different; therefore, each version must be read and analyzed rather than automatically using the same fiscal note for each version. To distinguish between committee substitutes and committee amendments produced by each chamber, the word “House” or “Senate” is printed in front of the phrase that identifies a Committee Substitute or Committee Amendment version (e.g., “House Committee Substitute for...” or “Senate Committee Substitute for...”).

The full House or Senate must adopt committee amendments or substitutes when the bill reaches the respective chamber’s floor for a vote.

FLOOR AMENDMENT

A Floor Amendment contains specific changes made to a bill or resolution when it is debated on the floor of the full House or Senate. These versions can be identified by the phrase “House (or Senate) Floor Amendment” printed at the top of the first page, along with the word “Adopted.” As with Committee Amendments, Floor Amendments can be both House and Senate versions that can differ from one another.

ENGROSSED

When a bill has been passed by the chamber in which it was filed, all amendments to the bill are incorporated into the text of the bill, creating the Engrossed version.

The Engrossed version is forwarded to the second house for consideration. “Engrossed” is printed on the top of the first page. There is only one Engrossed version of a bill, as it can only originate in one of the two chambers.

COMMITTEE REPORT, SECOND HOUSE

After a bill is engrossed and sent to the other legislative chamber, it is referred to a committee in that chamber. If the committee considers the bill, it may make changes to the bill (amendments or substitutes—see Committee Report above) before sending the bill to the full chamber.

SENATE (OR HOUSE) AMENDMENT

House or Senate amendments reflect changes made by the second chamber as it considers the bill. This is the version of the bill that is returned to the originating chamber by the second chamber. If the originating chamber does not agree with the changes made in the second chamber, a conference committee is requested to attempt to word the bill so both chambers agree on the content.

CONFERENCE COMMITTEE REPORT

The Conference Committee Report is the version of the bill, including required attachments, that reflects the committee’s work in resolving differences between the two chambers’ versions. The first page of the report is a signature sheet containing the signatures of the conference committee members who voted for the committee version of the bill. The phrase “Conference Committee Report” is printed on the first page of bill text.

ENROLLED

Once a bill has been passed by both chambers of the legislature in identical form (or a conference committee report is accepted in both houses), and is prepared for signature by the presiding officers of both houses, it is classified as Enrolled. Once this version is approved, it is sent to the governor, who may sign the bill into law, veto the bill, or allow the bill to become law without action.

CAPTION AND ENACTING CLAUSE

The caption provides a convenient way to determine what a pending bill is about without reading the entire text of the bill. The caption must accurately and completely reflect the content of the bill; the bill may not contain provisions unrelated to what is reflected in the caption. (See Sections 35(b) and (c), Article III, Texas Constitution.) Analysts must read the bill in its entirety, however, to accurately analyze the estimated fiscal impact. If the text of the bill changes significantly during the legislative process, the caption may change as well. If the bill caption changes, that change must be reflected in the fiscal note that accompanies the changed version of the bill.

TITLE AND CAPTION

Just below the heading (name of bill author and the bill number) of each bill is the title and a statement of what the bill is about, appearing in the following format:

A BILL TO BE ENTITLED
AN ACT

relating to the penalty for criminal trespass.

Two basic forms of captions are used by the legislature:

- a brief, often one-line caption that gives only the barest outline of what the bill proposes (as shown in the above example); and
- a full caption that contains a complete list of all the various provisions in the bill and specifically identifies the various laws it will amend, change, or repeal.

ENACTING CLAUSE

The enacting clause is required by Section 29, Article III, Texas Constitution, and is indispensable. The enacting clause must be in exactly the following words:

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

A document without an enacting clause is not a bill, and under house precedents may not be amended for the purpose of inserting an enacting clause and may not be referred to committee.

SECTIONS AND SECTIONS

Bills are usually divided into “SECTIONS,” with each presenting a part of the proposed law. These SECTIONS are numbered sequentially, beginning with SECTION 1, and the word “section” is always in all capitals. SECTIONS are part of the bill itself.

There are also references within bills to sections of existing law. Sections of law are written in upper and lower case (Section) or abbreviated (Sec.), followed by the number of the section of the referenced code (e.g., Sec. 274.001). The applicable code is referenced in the SECTION of the bill (e.g., SECTION 1. Subtitle C, Title 8, Local Government Code, is amended by adding Chapter 274 to read as follows:). Notice, too, that a description of what each portion of the bill would do in relation to a statute (e.g., a code “is adopted,” “is amended,” “is repealed”) follows the SECTION number. What follows a Section (or Sec.) is the statute wording, whether existing language, proposed new language, or language proposed to be deleted (e.g., Sec. 274.001. DEFINITIONS. In this chapter:).

When writing a fiscal note, be clear about whether you are referencing a SECTION of the bill or a section of statutory code when indicating what would have a fiscal impact.

ARTICLES

If a bill addresses more than one subject, the bill may also be divided into ARTICLES, which are numbered sequentially and are usually titled (e.g., ARTICLE 1.

General Government.). ARTICLE appears in all capitals and centered over the applicable portion of the bill. Each ARTICLE may contain numerous SECTIONS, and each SECTION may contain numerous Sections.

LINE AND PAGE

All bills drafted by the Legislative Council are printed in a format that numbers each line and every page of the bill. Normally, the first page of a bill has 24 numbered lines.

When writing a fiscal note, analysts may use the line and page numbering system to identify portions of a bill that would have a fiscal impact, although it is important to make sure you are working from an official printed version of the bill to ensure the numbering is accurate and the fiscal note references match the bill. Additionally, committee reports used on the Senate floor are printed in a single-spaced format while all other versions in both chambers are printed in a double-spaced format. This means that, unless you have the single-spaced format, you may still have to refer to the SECTION or Section of the bill rather than page and line numbering to be sure that you have correctly identified a part of the bill.

Citing the SECTION number of a bill or the Section number of a code may be used when writing a fiscal note, although the analyst must be careful not to confuse SECTIONS and Sections.

UNDERLINING, BRACKETING, AND STRIKING-THROUGH

In reading a bill, it is necessary to quickly identify the changes it would make in existing law. To make the proposed changes in existing law stand out from the rest of the bill, the legislature uses underlining, bracketing, and striking-through.

The rules of both houses traditionally require the underlining of new material and both the [bracketing] and [striking through] of deleted material in the printing of committee reports of bills containing direct changes

to existing law. The procedures for adding and deleting language apply equally to punctuation as to words. There are exceptions in both the House Rules (Rule 12) and Senate Rules (Rule 7.10) to the use of underlining, bracketing, and striking-through. Those exceptions are listed at the end of the rules.

Bracketing and striking-through can be used to remove a complete section from the law and either replace it with another new provision or repeal it entirely. In such a case, an entire provision would be underlined followed by the old (existing) section, which would be bracketed and struck-through. If no wording is proposed to replace deleted or repealed sections of law, the bracketed and struck-through old law might be the only information shown.

EXAMPLES OF UNDERLINING, BRACKETING, AND STRIKING-THROUGH

Language that is being added to an existing statute is underlined:

Sec. 5. INSPECTION. The commission shall inspect each hospital applying for a license. The commission may enter the premises of an applicant at any time for the inspection.

Language being deleted from an existing statute is typed in its current form, enclosed in brackets, and marked through with a line. For example:

Sec. 7. RESIDENT WITHOUT LICENSE. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department may not issue the person a license or permit for the period ordered by the court [~~, but not to exceed one year~~].

Language being added to replace existing language is shown by inserting the new language immediately before the old. For example:

Sec. 8. ISSUANCE OF LICENSE. The members shall [~~committee may~~] issue a

license to any health care facility [~~hospital~~] that meets their [~~its~~] requirements.

If a word is changed to any extent (such as a change in capitalization, number, tense, or spelling), the changed version of the word is inserted as added language and the old version bracketed. For example:

Sec. 6. DEPOSIT OF EES. Except as provided by Section 2, all [~~All~~] fees collected shall be deposited in the state [~~State~~] treasury for the commissioner's [~~commission's~~] use in the enforcement [~~enforcing~~] of this Act.

If one or more amendable units are being added to an existing statute or an existing code or other official compilation, the entire text of the added material should be underlined:

SECTION 1. Subchapter A, Chapter 4, Family Code, is amended by adding Section 4.004 to read as follows:

Sec. 4.004. EFFECT OF MARRIAGE. A premarital agreement becomes effective on marriage.

OTHER WAYS TO SHOW CHANGES

Underlining, bracketing, and striking-through are helpful tools in reading a bill since they make it possible to quickly see what the changes are; but sometimes the legislature uses a different method to show changes. For example, if the entire bill or section of a bill is new law, it is not necessary to underline it. In such cases, the instructions that follow the SECTION heading indicate that new law would be added by the bill.

When the entire section is new law, it may simply read that the old law is “amended by adding...” and not underline the words. When an entire portion of existing law would be repealed, the words may not be underlined, but the bill may simply include a phrase like, “...is being amended by repealing Section (a number).”

TEMPORARY LAWS AND SPECIAL INSTRUCTIONS

Provisions similar to those used to indicate effective dates can be used to show that a provision of the bill is only temporary and is to expire on a certain date. This can be shown either at the end of the bill in a special SECTION, or it can be buried in the text of the bill. If a special SECTION is used to identify a temporary law, it is often identified by a SECTION heading that says something like SECTION 7. TEMPORARY PROVISION

In addition to looking for effective dates and temporary provisions, be careful to look for special instructions within the bill—instructions that may require looking at a law other than the bill itself to fully analyze the impact.

SHALL AND MAY

While “shall” means an action is statutorily required, “may” means that the affected government entity has the option to implement the bill. The Legislative Budget Board prepares fiscal notes based on the assumption that the provisions of the bill would be implemented, even if the bill reads “may.”

GENERAL FISCAL ANALYSIS CONSIDERATIONS

BASELINE REVENUE ESTIMATES

Fiscal note estimates are relative to current law and assume that no other changes will be made. For example, a bill postponing a future tax increase, which would have occurred without legislative changes, would be considered a revenue loss even though the taxpayer would continue paying at the current rate. It is assumed the future tax increase would occur on schedule and include that revenue accordingly. Even though taxpayers are not paying the higher level yet, the postponement is relative to what would have been collected, thus resulting in a revenue loss. Be sure that all estimates are relative to what would occur under current law.

DOES THE BILL MAKE AN APPROPRIATION?

Bills generally do not make a valid appropriation. Instead they provide the legal basis for an agency to seek additional appropriations through the budget process. In other words, a bill would usually amend current law by requiring an agency to implement a program for which the bill provides no funding. Funding for the new program must be included in an appropriations bill.

Occasionally a bill would provide for a valid appropriation. Appropriation language usually specifies the biennium (current or upcoming) for which the appropriation would apply. Generally, an appropriation would also include an amount and the fund from which the money would be appropriated; however, these components are not always required. These are examples of text used in a bill for the purpose of making an appropriation:

In addition to amounts previously appropriated to the Texas Commission on Environmental Quality, \$3.0 million is hereby appropriated from the General Revenue Fund during fiscal year 2008 for the purpose of...

OR

All fees collected by the department are hereby appropriated...

The second example includes no amount, no fund reference, and no biennium. It remains a valid appropriation. It should be noted that an open-ended appropriation with no biennium specified only applies to the biennium in which the bill takes effect. No legislature may bind a subsequent legislature to an appropriation of funds.

When a bill does not contain valid appropriation language but would result in additional costs, the fiscal note should always contain the following language:

The bill does not make an appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

DOES THE BILL AFFECT TAXES OR FEES?

Article III, Section 49a of the Texas Constitution requires the comptroller of public accounts to issue a revenue estimate prior to each legislative session, which forecasts revenue available for the upcoming biennium. After the legislature enacts a budget for the upcoming biennium, the comptroller is also required to certify that the budget is within available revenue. Because of the certification process, bills affecting state revenue must be assigned to the comptroller. The only exception is the creation of, or minimal increase in, fee funds that an agency assesses to cover costs (e.g., The Department of Agriculture shall set fees reasonable and necessary to cover costs.).

These types of fees are most often associated with health agencies or licensing agencies. Agencies will often have broad authority to set fees as established in their enacting statute. In such cases, the bill you are reading may not specifically grant fee authority, however, the agency may already have authority. It is important to know which agencies have fee authority.

The LBB Estimates and Revenue Analysis Group must be notified of any significant change in tax or fee revenue indicated in a bill. This applies not only to increases or decreases in current taxes or fees, but also to the creation of new ones or a change in collection patterns that would shift revenue from one biennium to another. (See delays and speed-ups.)

REPEALERS

A repealer does exactly what its name implies—repeals existing law. Because the repeal of existing law can have broad fiscal implications, it is very important that each repealer be noted when reading a bill. If you are reading the bill in hard copy, you should highlight and flag the repealer. The section(s) of code being repealed should be copied and included with the fiscal note file.

Example of a Repealer

(1) Section 151.051 (a) and (b), Tax Code, are repealed.

This very small phrase buried deep in a 200-page bill would repeal the state's sales tax. This would result in a multi-billion dollar fiscal note!

SPEED-UPS AND DELAYS

In an effort to maximize available revenue or reduce expenditures during a given biennium, the legislature will occasionally approve legislation that moves a tax collection date or delays certain expenditures. For example, if collections of a tax are due on the 15th of the month following the month in which they are collected and the collection cycle is changed so that the September 15 (August collections) due date is moved to August 31, the result would be a one-time revenue gain. In essence, by moving collections up from one fiscal year into another, one extra month of collections would occur during the first year in which the law is in effect (September 15 through August 15, plus August 31). If the change in collections is permanent, each subsequent fiscal year would return to a full 12-month collection cycle; the lost September collections would be replaced with the new August 31 collections. If the change is in effect for only one year before returning to September 15, collections for the second year after implementation would be for 11 months (October 15 through August 15)—shifting revenue from one fiscal year to another. Subsequent years would return to a 12-month collection cycle.

The same logic applies to expenditure delays. For example, by delaying state contributions to a retirement fund from one fiscal year to the following fiscal year, costs would be shifted from one year to another.

EFFECTIVE DATES

In analyzing the fiscal implications of a bill, always check to see when the proposed new law would go into effect. The effective date of a bill is normally indicated at the end of the bill, although some bills may have different effective dates for various parts of the bill. Those dates or time frames may appear at the end of the applicable SECTION. Bills that do not become law until a period

of 90 days after the legislative session has elapsed are referred to as “90-day bills.” Bills can go into effect earlier than 90 days after the session, later than 90 days following the session, at the moment the governor signs them, or on a specified date.

The fiscal note must reflect the effective date of the bill. If more than one effective date is a possibility (different portions of the bill have a different effective date; or the effective date has the potential to be immediate if it receives two-thirds vote in both houses, but would not go into effect until some other date if it does not receive two-thirds vote), the fiscal note should present the fiscal impact of both effective date scenarios, if applicable.

POSSIBLE EFFECTIVE DATES

This is an example of the usual wording of the Emergency Clause on a 90-day Bill:

SECTION ?. EMERGENCY. The importance of this legislation and the crowded conditions 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.

When a bill is an Immediate Effect Bill, the following words are added to that language:

...and that this Act take effect and be in force from and after its passage, and it is so enacted.

When a bill is an Immediate Effect Bill and has an alternate effective date, the following wording is used:

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.

SUNSET BILLS

Each executive agency is subject to automatic review every 12 years. Reviews are completed by the Sunset Commission, which is charged with recommending the continuation or elimination of agencies under sunset review. Agency sunset dates are staggered and are frequently altered from the mandatory 12-year period. The commission will often recommend continuing an agency’s existence while offering various changes that the commission believes would benefit the agency and the state. Legislation reflecting sunset recommendations is then authored and introduced by individual legislators.

The caption of a Sunset bill will always include the phrase, “...relating to the continuation and functions of Agency X....”

Sunset bills should always be referred to the Sunset Commission, the agency under review, and any other agencies that could be affected.

DEDICATIONS OF FUNDS AND FUNDS CONSOLIDATION

During the first called session, 1991, the Seventy-second Legislature passed Senate Bill 3, which provided for the consolidation of most state funds into the General Revenue Fund by August 31, 1993. In addition, the bill provided for the removal of all non-constitutional revenue dedications by August 31, 1995. Only those funds and dedications that were constitutional, federal, or otherwise restricted, were exempted. The fund consolidation sections of Senate Bill 3 were codified in sections 403.094 and 403.095, Government Code.

The provisions contained in these sections have resulted in modifications to the budget and fiscal note process since their implementation, and although the final provisions were implemented as of August 31, 1995, any bills modifying 403.094 or 403.095 should be assigned to the LBB Estimates and Revenue Analysis Group and to the comptroller’s office.

Any bill that would turn an existing General Revenue account into a fund, must be sent to the comptroller. Such bills divert revenue from the General Revenue Fund and result in a certification loss. Because the fund consolidation statute did not specifically repeal every section of code referencing a fund, be wary of bills amending an old reference to a fund that has been consolidated. For example, if a bill states, “a fee of \$200 [~~\$150~~] shall be deposited to the XXX Fund,” and the XXX Fund had been consolidated under current provisions of fund consolidation, the bill would re-establish the fund because it technically no longer exists. Be sure to notify the LBB Estimates and Revenue Analysis Group if a bill would re-establish a fund.

HOW TO READ STATUTES

Each bill amends existing laws, which are often called statutes. Texas statutes can be found at the state law library, in the LBB law library, or online at www.legis.state.tx.us.

Amendments to laws were originally referred to by the original act of the legislature and its subsequent amendments. Eventually this system was overburdened by increasing amounts of legislation and was compiled and organized into *Vernon's Texas Code Statutes* (V.T.C.S.). Vernon's method of organization also was outgrown, and Texas laws are now organized into subject categories called codes. There are many codes, including the Tax Code, Property Code, Family Code, and others.

Each volume of the code in hard copy has a pocket part, unless it was revised and reprinted very recently. A pocket part contains the changes in law that have occurred since the original hardback was printed and is located inside the back cover of the volume. When seeking a particular section of the law, always look in both the text of the hardback and in the pocket part. (Note: Statutes can also be found online at www.legis.state.tx.us.)

SESSION LAW

Other important reference resources are the session law volumes. Each volume contains laws recently passed by the legislature that have not yet been incorporated into the statutes. Each session law volume is divided into chapters, and each chapter contains a particular bill that was passed by the legislature. The session laws are filed in the library near the Vernon's set for convenience. A cross-reference of session law chapter numbers and bill numbers is maintained by the Legislative Reference Library at <http://www.lrl.state.tx.us/isaf/lrlhome.cfm>.

In addition to the text of the law itself, the session law includes 1) the chapter number assigned to the bill for citation purposes; 2) the bill number; 3) the caption and text of the bill; 4) statutory citation to the code or civil statute of a new or amended law; 5) date of passage; 6) vote total; and 7) date of the governor's signature. The bill may include one or more effective dates. If it does not include an effective date, the bill, if enacted, would take effect ninety days after the adjournment of the session at which it was enacted which is usually about September 1 following a regular legislative session. (Tex. Const. Art. III, § 39.)

Bills are generally assigned numbers in either the Senate or the House of Representatives based on the order in which the bill is filed with the clerk of the respective chamber. However, when bills are passed into law the new legislation in *Vernon's Texas Session Law Service* is printed in chronological order as passed by the legislature and each bill is assigned a chapter number.

In the session law, new statutory material is indicated by *italics*. Repealed statutory material has a line printed through the text (~~like this~~).

The “Cumulative Tables” of the session laws reveal whether a civil statute or a code has been amended or repealed. The tables also list new provisions and recent court orders, which have affected the *Texas Rules of Court*.

Eventually, hardbound volumes replace the paperback session law publications. In hardback, the session laws are called the *General and Special Laws of the State of Texas*. Like the paperback session laws, the hardbound version is filed near the *Vernon's* set.

POCKET PARTS AND SUPPLEMENTS

Pocket parts are paper pamphlets designed to be inserted into pockets located in the back of each *Vernon's* volume. Pocket parts update volumes annually by listing changes to current statutes and by providing annotations to relevant cases that have occurred since the hardbound volume was printed. If a pocket part becomes too bulky to fit easily into the back of a hardbound volume, the pocket part will be issued as a paperbound supplementary pamphlet, which will be filed next to the hardbound volume. When an extensive number of changes and annotations accrue, a new hardbound volume will be published and will incorporate the new material.

RESEARCHING TEXAS STATUTES AND CODES

The session laws are ultimately codified (arranged topically) in *Vernon's Texas Codes Annotated* (V.T.C.A.), or in the old unified code, *Vernon's Texas Revised Civil Statutes Annotated* (V.T.R.C.S.A.). Texas is one of several states that have retained the remnants of a unified code, which uses a single alpha-numeric system of numbering for all of the statutes (e.g., art. 1 – art. 9104). Because such a system can present difficulties when statutory provisions are added, amended, or repealed, the legislature in 1963 directed the Texas Legislative Council to plan and execute a permanent statutory revision program to reorganize the statutes into subject topical code formats.

As of fall 2008, there are 25 codes completed. Go to <http://www.tlc.state.tx.us/legal/dm/sec809.htm> to see which codes are complete and to view the history, status, and schedule of this project.

In addition to the codes compiled since 1963 by the Texas Legislative Council (TLC), there are several independent codes that, despite their classification as “codes,” are still

part of the unified code and are shelved in the proper alphabetical sequence in the Texas Revised Civil Statutes. Among these are the Probate Code and the Code of Criminal Procedure. When the Legislature enacts the entire system of 27 codes, the old unified code will be completely superseded by these new codes, each with its own numbering system.

The recodification project involves a gradual process whereby certain statutes are taken out of the old unified code, recombined, and reenacted as a new, separate subject code. To locate a statute that has been repealed and reenacted, see the historical note, which follows the notice of repeal, for directions to the new subject code wherein the statute now appears. For example, the Texas Open Records Act, art. 6252-17a, was repealed and reenacted as the Texas Government Code, section 552.001 et seq. There is a disposition table at the beginning of each of the new subject codes that provides a cross-reference from the old article number to the appropriate section number of the new code. There is also a Master Disposition Table (shelved with the General Indexes), which covers all the codes.

One disadvantage of the recodification process is that the new code includes only the statutory language, not the case annotations and cross-references to secondary materials that were published in the old unified code. Thus for very recently enacted codes, such as the new Occupations Code, one must refer to the superseded volumes or pocket parts of the civil statutes for annotations and references. The Law Library keeps superseded volumes and pocket parts for the Texas statutes.

TOPICAL INDEXES

To locate a statute on a particular topic, check the General Index for the Texas statutes. The index is comprised of multiple soft cover pamphlets, revised annually, which are shelved at the very end of the *Vernon's Revised Civil Statutes Annotated*. In addition, each code contains its own index in the last volume of the individual code, which

is updated in the pocket part or pamphlet supplement. The last volume of the General Index includes a Popular Name Table, which includes common act names (e.g., Deceptive Trade Practices Act).

HELPFUL INTRANET LINKS

The LBB intranet site includes links to state statutes and other legislative and legal information. The intranet site Legal page also includes links to instructions related to riders and amendments. Go to http://intranet/Legal/_home.htm.

INTERNET SITES FOR TEXAS STATUTES AND LEGISLATIVE ACTIVITY

- TEXAS STATUTES:
<http://www.legis.state.tx.us/statutes/statutes.html>
- TEXAS LEGISLATURE ONLINE:
<http://www.legis.state.tx.us/>
- TEXAS LEGISLATIVE COUNCIL:
<http://www.tlc.state.tx.us>