Texas Legislative Council

What We Do And How We Can Help You

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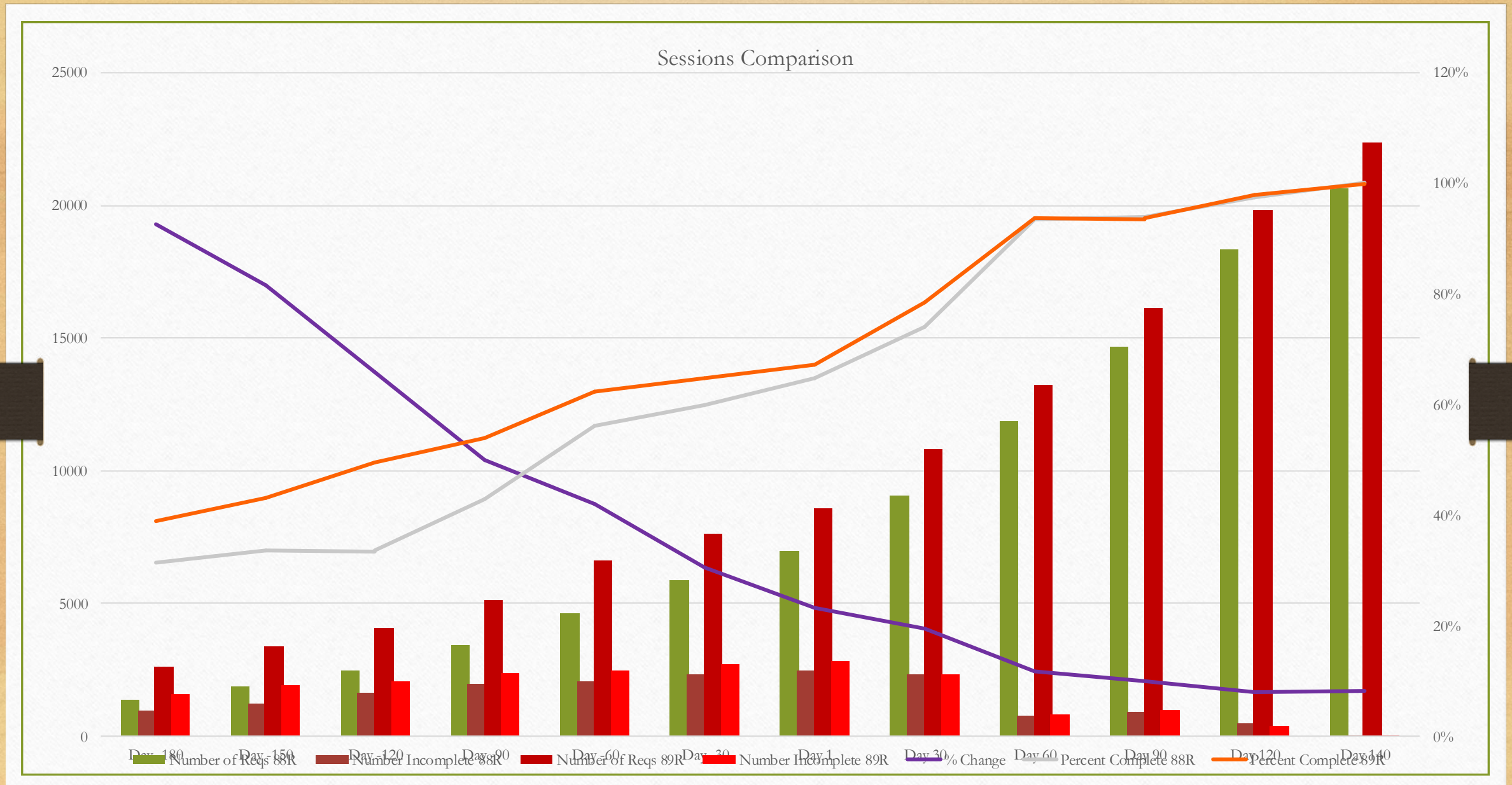
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What We'll Cover

- The Drafting Process
- How To Get What You Need From Drafters
- How We Can Help You Outside the Drafting Process
- Our Confidentiality Policies

The Drafting Process

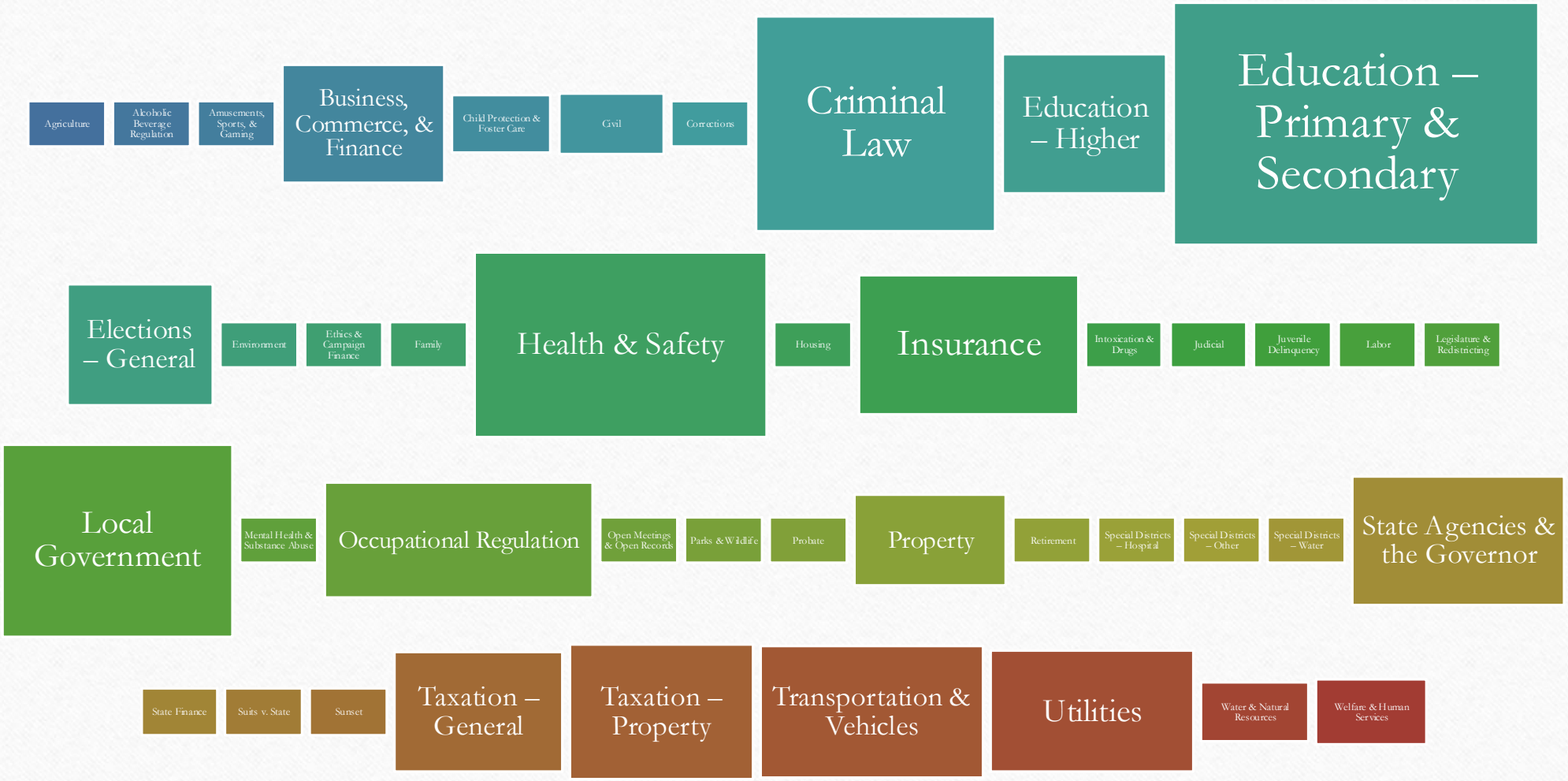
What are we doing and why does it take so much time?


Sessions Comparison
25000
20000
15000
10000
5000
0
120%
100%
80%
60%
40%
20%
0%
Day -180
Day -150
Day -120
Day -90
Day -60
Day -30
Day 1
Day 30
Day 60
Day 90
Day 120
Day 140
Number of Reqs 88R
Number Incomplete 88R
Number of Reqs 89R
Number Incomplete 89R
% Change
Percent Complete 88R
Percent Complete 89R

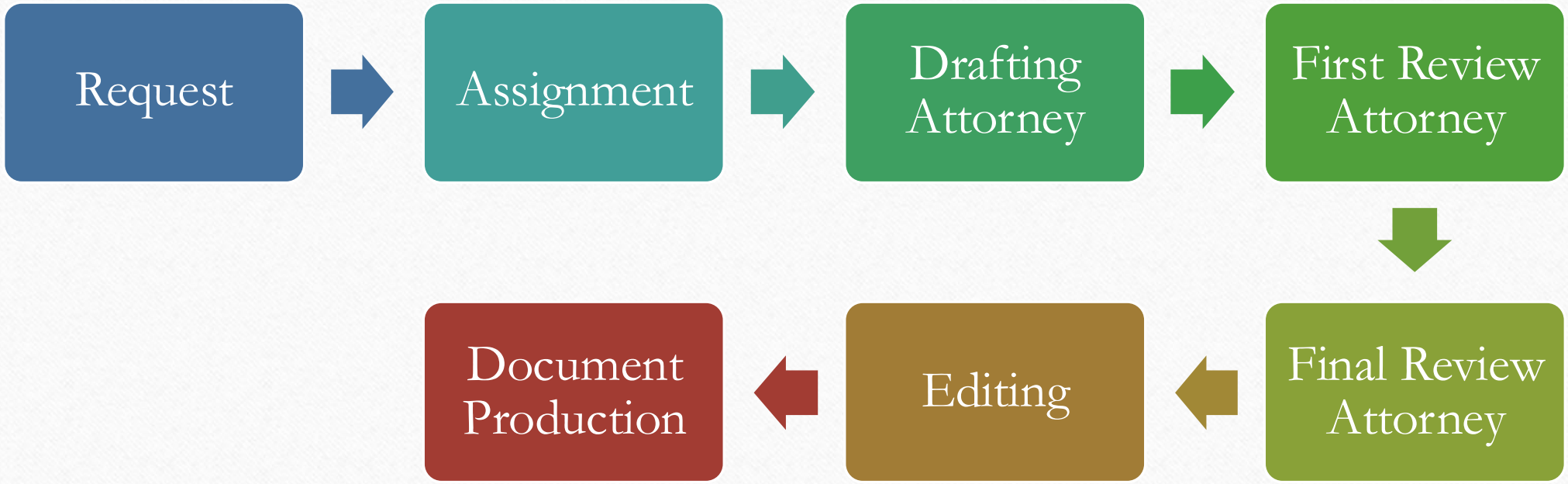
The Drafting Process

- First step is assignment
  - About 60 attorneys
  - About 45 subject areas
- Each attorney works in 3-6 subject areas




Agriculture
Alcoholic Beverage Regulation
Amusements, Sports, & Gaming
Business, Commerce, & Finance
Child Protection & Foster Care
Civil
Corrections
Criminal Law
Education – Higher
Education – Primary & Secondary
Elections – General
Environment
Ethics & Campaign Finance
Family
Health & Safety
Housing
Insurance
Intoxication & Drugs
Judicial
Juvenile Delinquency
Labor
Legislature & Redistricting
Local Government
Mental Health & Substance Abuse
Occupational Regulation
Open Meetings & Open Records
Parks & Wildlife
Probate
Property
Retirement
Special Districts – Hospital
Special Districts – Other
Special Districts – Water
State Agencies & the Governor
State Finance
Suits v. State
Sunset
Taxation – General
Taxation – Property
Transportation & Vehicles
Utilities
Water & Natural Resources
Welfare & Human Services

The Drafting Process



Draft Numbers

D – Draft
F – Form
E – Edit Only
T – Type Only

89R34716 KJE-D

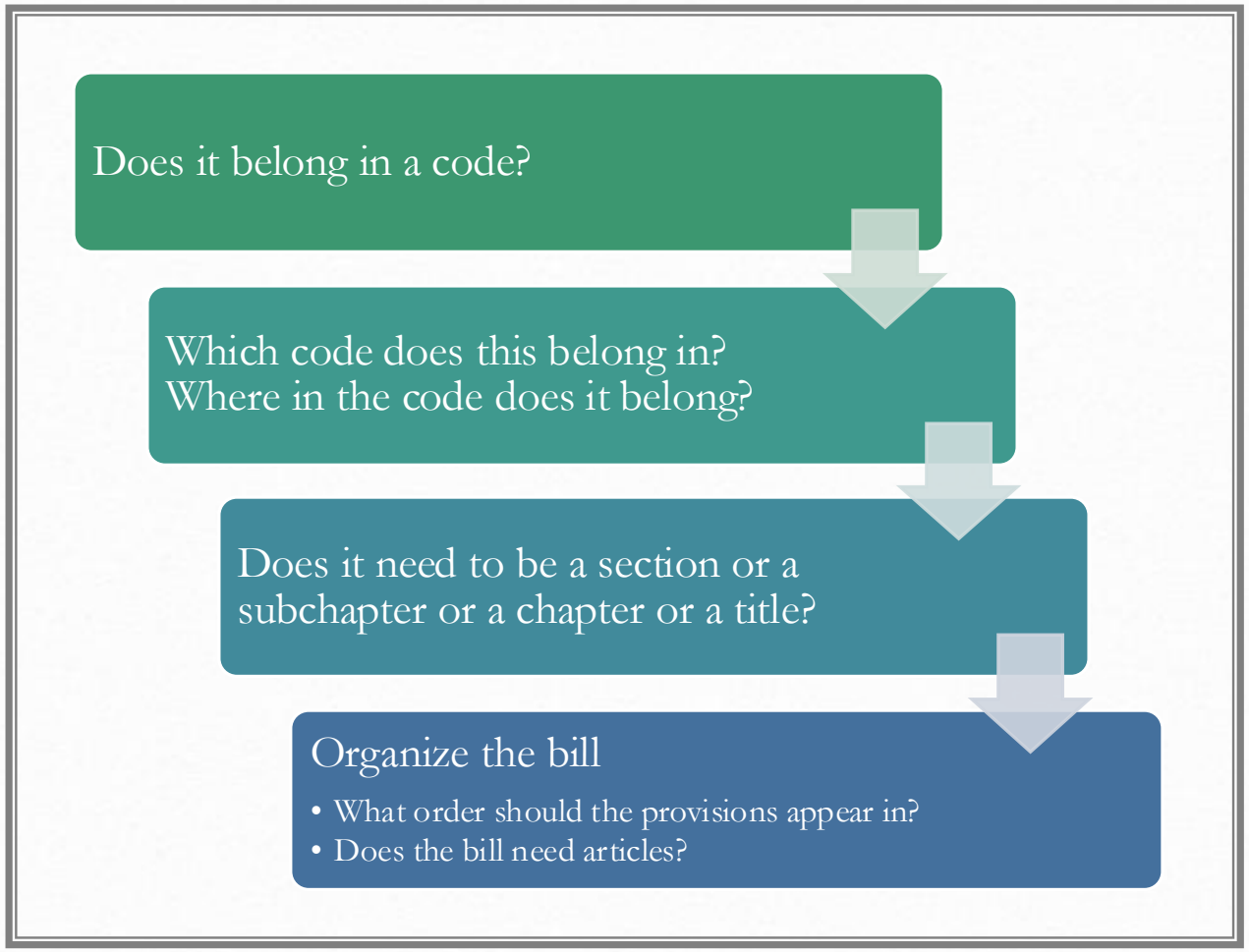
Draft Numbers

Informal Drafts

24.208.113 KJE

Why does my form language always come back different?

- You are writing for practitioners who are well-versed in the subject matter
  - Terms of art/technical language
  - Legalese
  - May not be tailored to TX law
  - May not comply with TX Constitution and legislative rules
- We are writing for the legislature, the general public, and those who will enforce the law
  - Organization
  - Plain language
  - Tailored to existing TX law
  - Likely to comply with all legal and legislative requirements



Organization

Plain Language

Use the same words to refer to the same subject matter

Avoid defining everyday terms or using complex definitions

- Use already defined terms
- Avoid substantive definitions
- Avoid artificial definitions

Person First Language (Section 392.002, Government Code)

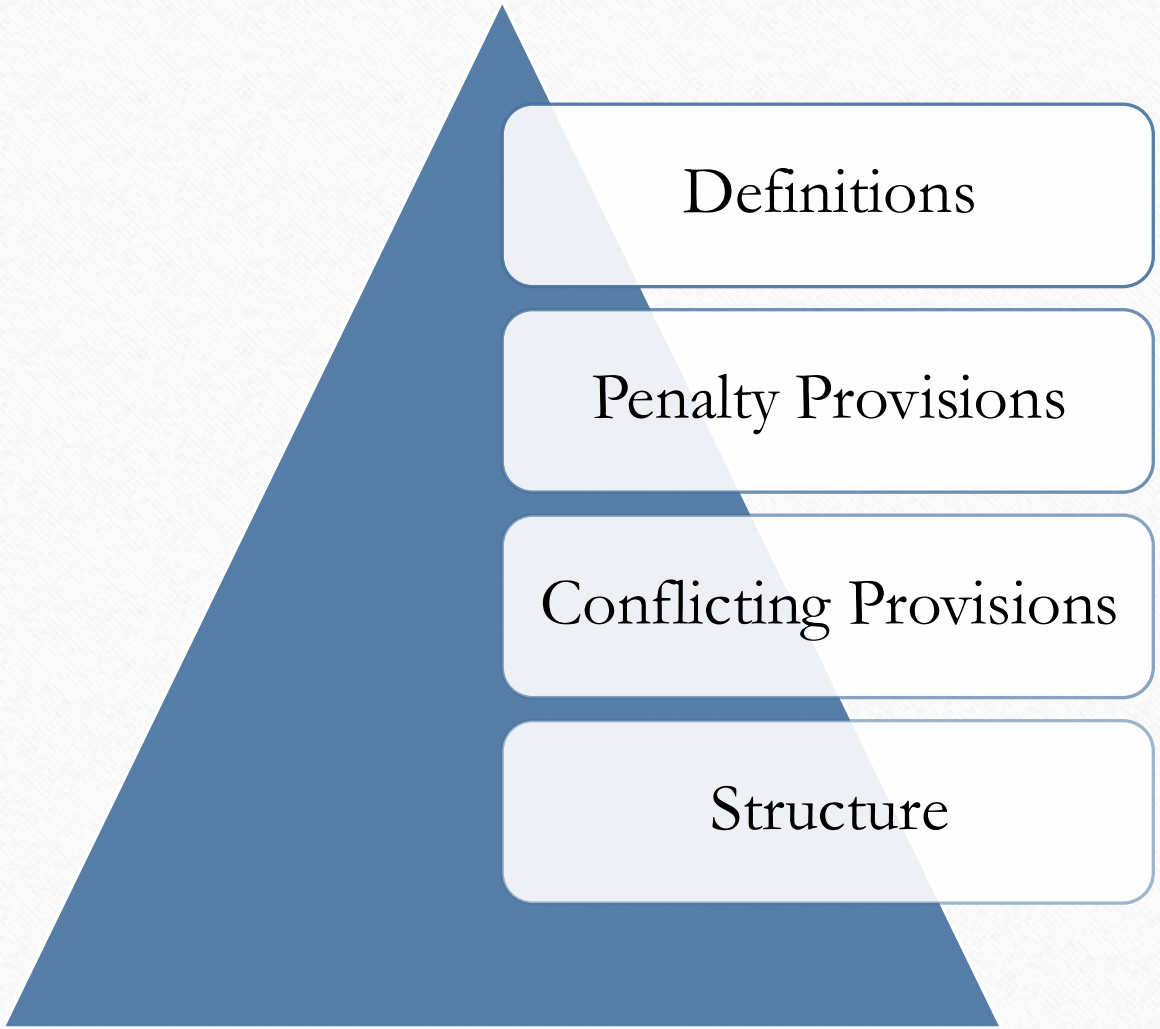
Search for ambiguity – and eliminate it

Aim for:

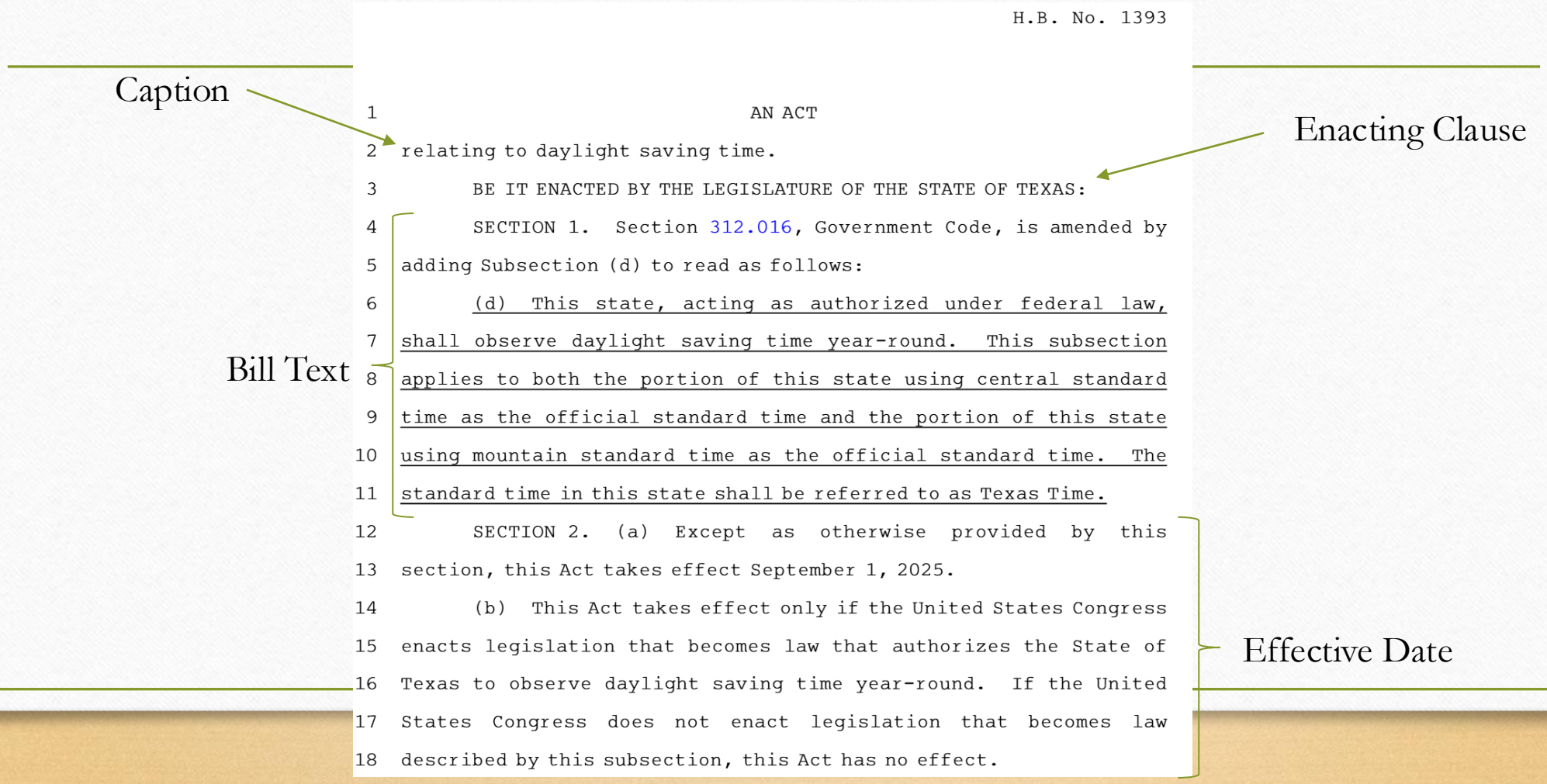
- Clarity
- Consistency
- Conciseness

Tailored to Texas Law

There may be a similar existing scheme already in the law that needs to be accounted for



Necessary Bill Elements



H.B. No. 1393

AN ACT

relating to daylight saving time.

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

SECTION 1. Section 312.016, Government Code, is amended by adding Subsection (d) to read as follows:

(d) This state, acting as authorized under federal law, shall observe daylight saving time year-round. This subsection applies to both the portion of this state using central standard time as the official standard time and the portion of this state using mountain standard time as the official standard time. The standard time in this state shall be referred to as Texas Time.

SECTION 2. (a) Except as otherwise provided by this section, this Act takes effect September 1, 2025.

(b) This Act takes effect only if the United States Congress enacts legislation that becomes law that authorizes the State of Texas to observe daylight saving time year-round. If the United States Congress does not enact legislation that becomes law described by this subsection, this Act has no effect.

How To Get What You Need From Drafters

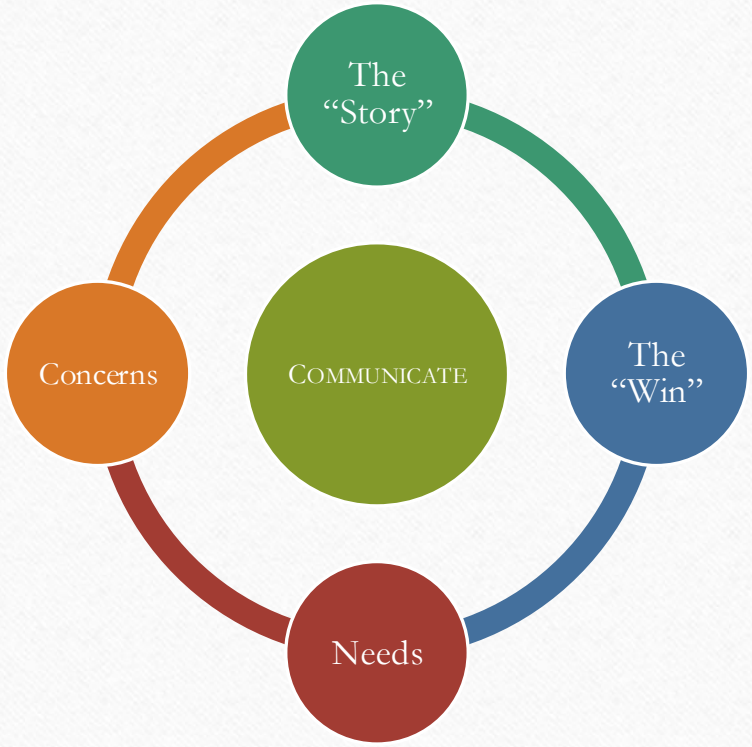
(And What They Need From You)

How To Get What You Need

Make sure we have permission to speak with you!

Get the member's office to list you as an approved contact, with phone number and email (or the best way to contact you)

How To Get What You Need





How To Get What You Need

- Be careful when shopping around form language
  - This can result in multiple draft requests
  - If we have any questions, we need approval from each office to speak to you
  - If we get different answers to any question, we must produce multiple drafts
  - Can dramatically extend the drafting time

How To Get What You Need

- Be careful with submitting different versions of the same language to offices
  - Do you not want the earlier versions anymore? If so, communicate to the office!
  - Multiple versions of the same language can slow down getting the one you want
- When requesting a new version of a draft we've prepared, use our draft as the base when possible, not the original form language
  - If our language is unworkable, let us know!

How We Can Help You Outside the Drafting Process

Other Services We Provide

Outside the Drafting Process

Bills

- "Four corners"
- Differences between versions

Drafting Advice

- Council style
- Current law
- Technical advice

Publications

- General reference materials
- Process & procedures
- Analyses of legislative enactments

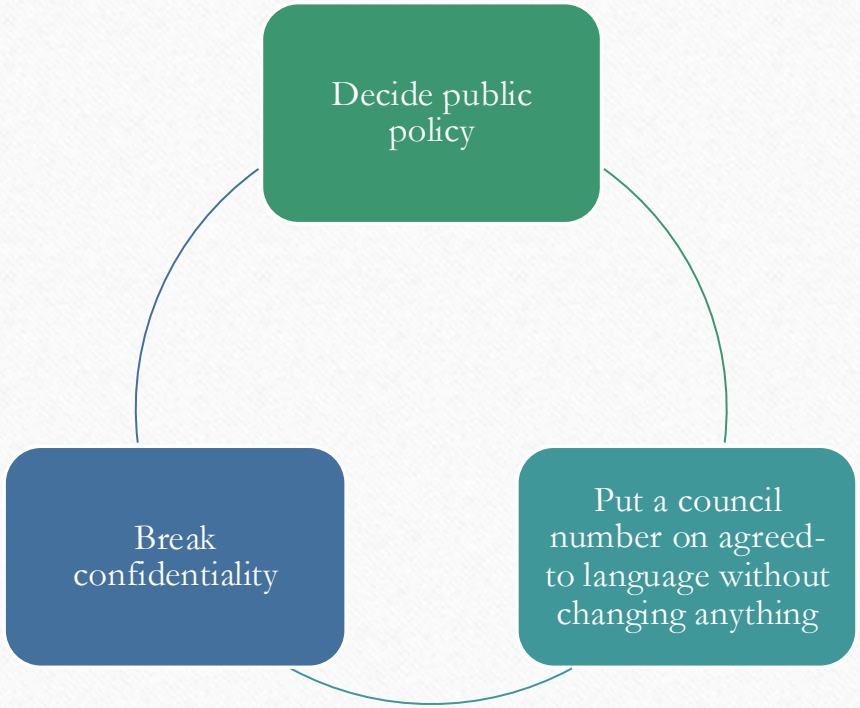
Data

- District profile information
- Redistricting information

Outside the Drafting Process

- General legal questions
- Case law research
- Code projects

What We Can't Do



Our Confidentiality Policies

What We Can't Tell You

Confidentiality

- Section 306.008, Government Code—Legislative privilege and legal privilege in legislative context

- Sections 323.017 and 323.018, Government Code—Legislative privilege and exemption from public information law

Confidentiality

Unless otherwise directed by the legislative office, the council asserts all applicable privileges and obligations of confidentiality when someone from outside the applicable legislative office requests information maintained by the council that relates to privileged or confidential services provided by the council to the office.



Confidentiality



Confidentiality

Confidentiality

When the only reason the draft exists is because the lobbyist asked for it:

- Lobbyist: "Hi Jon, I know Senator Smith just submitted request 90R 2222 and you're working on it. I just have a slight change to the form language."
- Council attorney: "If that draft exists, I'll need the office's permission to talk to you about it."

Confidentiality



Confidentiality

When a committee clerk has yet to submit a BA, or the BA was delivered 10 days ago:

- Author: "Hi, Jon, do you know when you're going to get that BA delivered? It's been two weeks since the hearing."

- Bill analyst: "If that draft request exists, I'll need the office's permission to talk to you about it."



Confidentiality



Confidentiality



Confidentiality



Questions?