

Texas

by Marcelino A. Estrada, Texas State Law Library

OFFICIAL STATUS

X

AUTHENTICATION

X

Three Texas online legal resources have certain *official* characteristics, based on statute, but are not commonly regarded as *official*. The resources themselves give no descriptive information about their status or *official* characteristics.

The state's administrative code and administrative register are prima facie evidence of the text of the administrative rules they contain. See TEX. GOV'T CODE ANN. §§ 2002.054 & 2002.022(a) (evidentiary value of code and register, respectively). Subsequent law directed the Secretary of State to make the administrative code and administrative register available online. See TEX. GOV'T CODE ANN. §§ 2002.057(a) & 2002.0151(a)(1). The Secretary of State approves the print Texas Administrative Code published by Thomson West, which is considered authoritative but not strictly official, since rules as officially filed are controlling. As for session laws, the Secretary of State obtains the "bills that have become law" (TEX. GOV'T CODE ANN. § 405.014) and is charged to make them available (see TEX. GOV'T CODE ANN. § 405.011). PDF copies of original documents constituting the enrolled bills of the current legislature, including signatures, are available on the Secretary of State's website. The other online resources investigated here are not official. The sources indicate they are provided to facilitate access; their print counterparts are designated as official.

Texas is not addressing the authentication of online legal resources.

There is no indication that the state is planning to specially authenticate Web sources using new technologies.

Texas agency rules are initially published in the Texas Register and, upon adoption, compiled and published in the Texas Administrative Code. Though not considered

official, the print version of the *Texas Administrative Code*, published by Thomson West, is authorized by the Secretary of State's office. The *official* version of agency rules are those filed electronically with the Secretary of State. Section 2001.037 of the *Texas Government Code* states that if there is a conflict the version on file with the Secretary of State is considered the *official* version. Sections 2002.054 and 2002.022(a) of the *Texas Government Code* provide for electronic access to the Texas Administrative Code and the Texas Register, respectively. The most recent version of the Texas Register is available on the Secretary of State's website. Through an agreement with the Secretary of State, the University of North Texas Libraries maintains an archive of the online Texas Register (June 14, 1991–issue immediately before latest). The purpose of this archive is to provide permanent storage and public access to non-current issues.

The Texas Legislature meets every other year, in odd numbered years, for 140 days beginning the second Tuesday in January. Bills introduced during a session can be viewed on the Legislative Council's website (at <http://www.capitol.state.tx.us>). This unofficial website includes bill history, committee amendments and, if enrolled or passed, the final bill. Researchers may view PDF copies of the original documents constituting the enrolled bills of the current legislature, including signatures, on the Secretary of State's website (at <http://www.sos.state.tx.us>). Like the *Texas Administrative Code*, the print version of enrolled bills is published under the authority of the Secretary of State by a private company winning the printing award. See TEX. GOV'T CODE ANN. § 405.014.

It is common for researchers to cite to *Vernon's Texas Statutes and Codes Annotated* when referencing Texas laws. This print version is published by Thomson West and is not an *official* version of the laws. Should you wonder why the Texas statutes are referred to as *Vernon's*, a bit of history. In 1925, one of the years the Texas statutes went through a major revision, Vernon's Publishing Company was the quasi-official publisher of the statutes. Years later, Vernon's Publishing was absorbed by West Publishing Company but "Vernon's" was retained as part of the title of the published set.

Texas has been codifying its civil statutes over the past several years. Twenty-six subject matters have been identified and the project is close to completion. Some civil statutes, however, still remain and are cited to by article number. To view the current but unofficial version of Texas statutes with incorporated amendments, researchers may visit the Legislative Council's website (at <http://www.capitol.state.tx.us>). As noted above, the Secretary of State maintains the "bills that have become law" (TEX. GOV'T CODE ANN. § 405.014), which are an *official* version of Texas laws. To view *official* text of a statute or code, the researcher must know the number of the bill originally passed, as well as any amendments that may have followed.

Texas court information can be accessed electronically from a single website maintained by the Office of Court Administration (at <http://www.courts.state.tx.us>). Courts currently do not allow electronic filing except in special circumstances. Hard copies are still required. Opinions available electronically are not considered *official*. Likewise, Texas does not have a print *official* version of its court opinions. Funds for the *official* publication of reports were not appropriated in 1963 and the state has been without an

official reporter since. West Publishing Company, now Thomson West, created *Texas Cases*, an unofficial reporter that republishes just the Texas opinions found in the multi-state regional *South Western Reporter*. Only the Texas Supreme Court, Court of Criminal Appeals and appellate courts are reporting courts.