

## **BILL ANALYSIS**

S.B. 438  
By: Gallegos  
Judiciary  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, citations may be served in any manner authorized for service of citation in a district court, county court, or justice court. However, Section 28.013(b), Government Code, requires a small claims court to use a state officer to deliver any citations. It is redundant and conflicts with other provisions in the statute. As proposed, S.B. 438 repeals Section 28.013(b).

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Subsection (b), Section 28.013, Government Code, is repealed.

SECTION 2. The change in law made by this Act applies only to an action instituted on or after the effective date of this Act. An action instituted before the effective date of this Act is covered by the law in effect on the date the action was instituted, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2005.

### **EFFECTIVE DATE**

September 1, 2005.