

## **BILL ANALYSIS**

S.B. 1719  
By: Hughes  
Judiciary & Civil Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In 1939, the Texas Legislature enacted the Rules of Practice Act, which granted rulemaking power to the Texas Supreme Court in the practice and procedure in civil actions and accordingly included a provision repealing laws governing the practice and procedure in civil actions. The bill sponsor has informed the committee that this provision may violate the separation of powers and that there have been instances in which the Texas Legislature passed a carefully negotiated law, but the court used procedural rules to modify that law. In 2019, the legislature passed S.B. 2342. Part of the negotiated language of that bill involved expedited cases and applied the requirements associated with those provisions only to county courts at law. The Texas Supreme Court made changes through rulemaking to make the provision applicable to all courts. Last session, the Texas Legislature passed legislation to address this issue, but it was vetoed by the governor, who stated the provision should be rewritten rather than repealed. S.B. 1719 seeks to incorporate that feedback and address this issue by establishing that laws and parts of laws governing civil practice and procedure enacted before May 15, 1939, are not repealed unless the supreme court adopts an applicable rule.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

S.B. 1719 amends the Government Code to revise the provision establishing that, for purposes of the Texas Supreme Court having full rulemaking power in civil actions, a rule adopted by the supreme court repeals all conflicting laws and parts of laws governing practice and procedure in civil actions but that substantive law is not repealed, to instead establish the following for such purposes:

- all laws and parts of laws governing practice and procedure in civil actions enacted before May 15, 1939, are repealed, except that no laws or parts of laws are superseded until the supreme court adopts a rule that governs the subject matter of the law or part of a law; and
- the provision does not repeal a substantive law.

The bill clarifies that the requirement for the supreme court to file with the secretary of state a list of each article or section of general law or each part of an article or section of general law that is repealed or modified in any way instead applies with respect to an article, section, or part of an article or section of general law enacted before May 15, 1939, that has been superseded

by the supreme court's adoption of a rule governing the subject matter of the law or part of the law.

S.B. 1719 amends the Civil Practice and Remedies Code, Estates Code, Health and Safety Code, and Occupations Code to make conforming changes.

S.B. 1719 repeals the following provisions of the Civil Practice and Remedies Code:

- Section 10.006;
- Section 14.013(c);
- Section 14.014;
- Section 14A.061(c);
- Section 14A.062;
- Section 15.066;
- Section 30.010(d);
- Section 30.013(f);
- Section 30.018(b);
- Section 51.017(b);
- Section 52.005(b);
- Section 64.091(k);
- Section 64.093(k);
- Section 65.045(b);
- Section 98.007(e);
- Section 134A.007(c); and
- Section 154.028(m).

The bill further repeals the following provisions:

- Section 111.002(b), Family Code;
- Section 301.002, Family Code;
- Section 276.002(e), Finance Code;
- Section 74.1625(b), Government Code; and
- Section 410.305(b), Labor Code.

S.B. 1719 establishes that on the bill's effective date, a rule adopted by the supreme court under the bill's provisions as those provisions existed before that date that conflicts with a provision of law is invalid and has no effect in any action commenced on or after the bill's effective date in any court in Texas.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2025.