

## **BILL ANALYSIS**

Senate Research Center  
89R21044 JTZ-F

C.S.S.B. 1719  
By: Hughes  
State Affairs  
3/24/2025  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1719 repeals the authority of the Supreme Court of Texas to repeal a statute that conflicts with a rule. Statutes should take precedent over rules where in conflict, not vice versa.

S.B. 1719 amends current law relating to the authority of the Supreme Court of Texas to adopt certain rules and makes conforming changes in code.

(Original Author/Sponsor's Statement of Intent)

C.S.S.B. 1719 amends current law relating to the rulemaking power of the Texas Supreme Court.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

#### **ARTICLE 1. RULEMAKING POWER OF TEXAS SUPREME COURT**

SECTION 1.01. Amends Section 22.004, Government Code, by amending Subsection (c) and adding Subsections (c-1) and (c-2), as follows:

(c) Provides that, so that the Supreme Court of Texas (supreme court) has full rulemaking power in all civil actions, all laws and parts of laws governing practice and procedure in civil actions enacted before May 15, 1939, are repealed, subject to Subsection (c-1). Provides that this subsection does not repeal a substantive law. Deletes existing text providing that, so that the supreme court has 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all conflicting laws and parts of laws governing practice and procedure in civil actions, but substantive law is not repealed.

(c-1) Provides that no laws or parts of laws described by Subsection (c) are superseded until the supreme court adopts a rule that governs the subject matter or the law or part of a law.

(c-2) Creates this subsection from existing text. Requires the supreme court, at the time the court files a rule, 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a list of each article or section of general law or each part of an article or section of general law that has been superseded under Subsection (c-1), rather than general law that is repealed or modified in any way.

#### **ARTICLE 2. CONFORMING CHANGES**

SECTION 2.01. Amends Section 30.0035, Civil Practice and Remedies Code, as follows:

Sec. 30.0035. PERSONAL SERVICE OF PROCESS DURING LEGISLATIVE PROCEEDING PROHIBITED. Deletes existing text providing that this section is not subject to Section 22.004(c), Government Code.

SECTION 2.02. Amends Section 34.041(c), Civil Practice and Remedies Code, to delete existing text prohibiting the supreme court, notwithstanding Section 22.004 (Rules of Civil Procedure), Government Code, from amending or adopting rules in conflict with this subsection.

SECTION 2.03. Amends Section 1162.007(c), Estates Code, to delete existing text prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with this subsection.

SECTION 2.04. Amends Section 52.047(g), Government Code, to delete existing text prohibiting the supreme court or the court of criminal appeals, notwithstanding Section 22.004 and 22.108(b) (relating to the procedures and implementation of rules authorized to be promulgated by the court of criminal appeals), from amending or adopting rules in conflict with this subsection.

SECTION 2.05. Amends Section 171.208(i), Health and Safety Code, to delete existing text prohibiting a court, notwithstanding any other law, from awarding costs or attorney's fees under the Texas Rules of Civil Procedure or any other rule adopted by the supreme court under Section 22.004, Government Code, to a defendant in an action brought under Section 171.208 (Civil Liability For Violation or Aiding or Abetting Violation).

SECTION 2.06. Amends Section 455.351(h), Occupations Code, to provide that, notwithstanding any other law or rule, rather than notwithstanding Section 22.004, Government Code, certain provisions are applicable.

SECTION 2.07. Repealers: Sections 10.006 (Conflict) and 14.014 (Conflict With Texas Rules of Civil Procedure), Civil Practice and Remedies Code.

Repealers: Sections 14.013(c) (relating to providing that the adoption of a certain system by rule does not constitute a modification or repeal of certain provisions) and 14A.061(c) (relating to providing that the adoption of a certain system by rule does not constitute a modification or repeal of certain provisions), Civil Practice and Remedies Code.

Repealer: Sections 14A.062 (Conflict With Texas Rules of Civil Procedure) and 15.066 (Conflict With Rules of Civil Procedure), Civil Practice and Remedies Code.

Repealers: Sections 30.010(d) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections) and 30.013(f) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections), Civil Practice and Remedies Code.

Repealers: Sections 30.018(b) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections) and 51.017(b) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections), Civil Practice and Remedies Code.

Repealers: Sections 52.005(b) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections) and 64.091(k) (relating to providing that certain provisions control over conflicts with the Texas Rules of Civil Procedure and that the supreme court is prohibited from adopting rules in conflict with those certain provisions), Civil Practice and Remedies Code.

Repealers: Sections 64.093(k) (relating to providing that certain provisions control over conflicts with the Texas Rules of Civil Procedure and that the supreme court is prohibited from adopting rules in conflict with those certain provisions) and 65.045(b) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections), Civil Practice and Remedies Code.

Repealers: Sections 98.007(e) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections) and 134A.007(c) (relating to providing that certain provisions control over conflicts with the Texas Rules of Civil Procedure and that the supreme court is prohibited from adopting rules in conflict with those certain provisions), Civil Practice and Remedies Code.

Repealer: Section 154.028(m) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections), Civil Practice and Remedies Code.

SECTION 2.08. Repealer: Section 111.002(b) (relating to prohibiting certain guidelines from being repealed or modified by a rule adopted by the supreme court), Family Code.

Repealer: Section 301.002 (Conflict With Texas Rules of Civil Procedure), Family Code.

Repealer: Section 276.002(e) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections), Finance Code.

Repealer: Section 74.1625(b) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict with certain sections), Government Code.

Repealer: Section 410.305(b) (relating to prohibiting the supreme court, notwithstanding Section 22.004, Government Code, from amending or adopting rules in conflict or inconsistent with certain sections), Labor Code.

### ARTICLE 3. TRANSITION; EFFECTIVE DATE

SECTION 3.01. Provides that, on the effective date of this Act, a rule adopted by the Texas Supreme Court under Section 22.004, Government Code, as it existed before the effective date of this Act, that conflicts with a provision of law is invalid and has no effect in any action commenced on or after the effective date of this Act in any court in this state.

SECTION 3.02. Effective date: upon passage or September 1, 2025.