

By: Hughes
(Smithee)

S.B. No. 1719

A BILL TO BE ENTITLED

AN ACT

relating to the rulemaking power of the Texas Supreme Court.

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

ARTICLE 1. RULEMAKING POWER OF TEXAS SUPREME COURT

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

(c) 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laws and parts of laws governing practice and procedure in civil actions enacted before May 15, 1939, are repealed, subject to Subsection (c-1) ~~[, but substantive law is not repealed]~~. This subsection does not repeal a substantive law.

(c-1) No laws or parts of laws described by Subsection (c) are superseded until the supreme court adopts a rule that governs the subject matter of the law or part of a law.

(c-2) At the time the supreme court files a rule, the court shall 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a list of each article or section of general law or each part of an article or section of general law that has been superseded under Subsection (c-1) ~~[is repealed or modified in any way]~~. The list has the same weight and effect as a decision of the court.

ARTICLE 2. CONFORMING CHANGES

SECTION 2.01. Section 30.0035, Civil Practice and Remedies

Code, is amended to read as follows:

Sec. 30.0035. PERSONAL SERVICE OF PROCESS DURING LEGISLATIVE PROCEEDING PROHIBITED. A person may not serve citation or other civil process in person on a member, officer, or employee of the senate or house of representatives during any legislative proceeding. A court shall quash any service made in violation of this section. The supreme court shall revoke the certification of a process server who violates this section. ~~[This section is not subject to Section 22.004(c), Government Code.]~~

SECTION 2.02. Section 34.041(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) A sale of real property under this subchapter must take place between 10 a.m. and 4 p.m. on the first Tuesday of a month or, if the first Tuesday of a month occurs on January 1 or July 4, between 10 a.m. and 4 p.m. on the first Wednesday of the month. ~~[Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this subsection.]~~

SECTION 2.03. Section 1162.007(c), Estates Code, is amended to read as follows:

(c) An attorney does not violate the attorney-client privilege solely by complying with a court order to release an instrument subject to this section and Sections 1162.005 and 1162.006. ~~[Notwithstanding Section 22.004, Government Code, the supreme court may not amend or adopt rules in conflict with this subsection.]~~

SECTION 2.04. Section 52.047(g), Government Code, is

amended to read as follows:

(g) Notwithstanding the Texas Rules of Appellate Procedure, an official court reporter who is required to prepare a transcript in a criminal case without charging a fee is not entitled to payment for the transcript from the state or county if the county paid a substitute court reporter to perform the official court reporter's regular duties while the transcript was being prepared. To the extent that this subsection conflicts with the Texas Rules of Appellate Procedure, this subsection controls. ~~[Notwithstanding Sections 22.004 and 22.108(b), the supreme court or the court of criminal appeals may not amend or adopt rules in conflict with this subsection.]~~

SECTION 2.05. Section 171.208(i), Health and Safety Code, is amended to read as follows:

(i) Notwithstanding any other law, a court may not award 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 this section.

SECTION 2.06. Section 455.351(h), Occupations Code, is amended to read as follows:

(h) Notwithstanding any other law or rule ~~[Section 22.004, Government Code]~~:

(1) a person may not continue the enjoined activity pending appeal or trial on the merits of an injunctive order entered in a suit brought under this subchapter;

(2) not later than the 90th day after the date of the

injunctive order, the appropriate court of appeals shall hear and decide an appeal taken by a party enjoined under this subchapter; and

(3) if an appeal is not taken by a party temporarily enjoined under this article, the parties are entitled to a full trial on the merits not later than the 90th day after the date of the temporary injunctive order.

SECTION 2.07. The following provisions of the Civil Practice and Remedies Code are repealed:

- (1) Section 10.006;
- (2) Section 14.013(c);
- (3) Section 14.014;
- (4) Section 14A.061(c);
- (5) Section 14A.062;
- (6) Section 15.066;
- (7) Section 30.010(d);
- (8) Section 30.013(f);
- (9) Section 30.018(b);
- (10) Section 51.017(b);
- (11) Section 52.005(b);
- (12) Section 64.091(k);
- (13) Section 64.093(k);
- (14) Section 65.045(b);
- (15) Section 98.007(e);
- (16) Section 134A.007(c); and
- (17) Section 154.028(m).

SECTION 2.08. The following provisions are repealed:

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

ARTICLE 3. TRANSITION; EFFECTIVE DATE

SECTION 3.01. 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. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.