

By: Dunnam

H.B. No. 2702

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of rules of civil procedure by the supreme court.

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

SECTION 1. Sections 22.004(b) and (c), Government Code, are amended to read as follows:

(b) The supreme court [~~from time to time~~] may promulgate a specific rule or rules of civil procedure, or an amendment or amendments to a specific rule or rules, only during the first 95 days of a regular session of the legislature. The rule or rules become effective once approved by a joint resolution of the legislature adopted during the regular session. [~~to be effective at the time the supreme court deems expedient in the interest of a proper administration of justice~~]. The rules and amendments to rules remain in effect unless and until disapproved by the legislature by law. The clerk of the supreme court shall file with the secretary of state the rules or amendments to rules promulgated by the supreme court under this subsection and shall mail a copy of those rules or amendments to rules to each registered member of the State Bar of Texas not later than the 60th day before the date on which they become effective.

(c) So that the supreme court has full rulemaking power in civil actions, a rule adopted by the supreme court and effective as provided by Subsection (b) repeals all conflicting laws and parts

1 of laws governing practice and procedure in civil actions, but  
2 substantive law is not repealed. At the time a rule adopted by the  
3 supreme court becomes effective as provided by Subsection (b)  
4 [~~files a rule~~], the court shall file with the secretary of state a  
5 list of each article or section of general law or each part of an  
6 article or section of general law that in the court's judgment is  
7 repealed. The list has the same weight and effect as a decision of  
8 the court.

9 SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2009.