

BILL ANALYSIS

Senate Research Center
77R2682 SGA-F

H.B. 2112
By: Dutton (West)
Jurisprudence
5/8/2001
Engrossed

DIGEST AND PURPOSE

Under current Texas law, the supreme court is not required to notify the legislature of changes or additions to the Texas Rules of Civil Procedure or other rules made by the supreme court. Following the 76th legislative session, the House Committee on Civil Practices studied the rulemaking powers of the Texas Supreme Court. The committee, in its interim report, recommended that changes be made to the Civil Practices and Remedies Code to ensure that the inherent balance of power between the legislature and the courts remains intact and to assure that the legislature is adequately informed of rulemaking by the court that may affect current statutes. H.B. 2112 requires the secretary of state to report all rules or amendments to rules adopted by the supreme court to the next regular session of the legislature.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 22.004(b) and (c), Government Code, as follows:

(b) Requires the secretary of state to report the rules or amendments to rules made by the supreme court to the next regular session of the legislature by mailing a copy of the rules or amendments to rules to each elected member of the legislature on or before December 1 immediately preceding the session.

(c) Requires the court, at the time the supreme 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of state a list of each article or section of general law or each part of an article or section of general law that is repealed or modified in any way. Deletes text regarding the court's judgment.

SECTION 2. Effective date: upon passage or September 1, 2001.