

BILL ANALYSIS

H.B. 2323
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Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under the Labor Code Subchapter F, after a party has exhausted its administrative remedies and has received a final decision of the State Office of Administrative Hearing, the party may seek judicial review in a district court. The Labor Code Section 410.252 establishes the time period for filing a petition and the venue provisions for judicial review. Currently, a party has 40 days from the date of the review panel's decision to file an appeal. The original judicial review suit filed by a party must be in the appropriate court. The statute makes no reference to what happens in regard to the time requirement when a party fails to file in the appropriate court, but files in another court within 40 days. HB 2323 allows for transfer of the judicial review suit to the appropriate court and acknowledges the initial filing if within 40 days of the appeal panels decision. This bill grants judicial review to cases that after transfer exceed the 40 day requirement, but otherwise are proper suits for review.

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

Section 410.252. Time for Filing Petition; Venue. Amends the Labor Code 410.252 by adding Subsections (c) and (d). Subsection (c) calls for the transfer from a nonjurisdiction court to the appropriate court under Subsection (b), outlines notification procedures, and makes the transferred suit considered as the original. Subsection (d) clarifies the 40 day filing period if a transfer takes place by placing the requirement on the original filing.

EFFECTIVE DATE

On passage, the Act takes effect September 1, 2003, applies only to a cause of action that takes place on or after the effective date.