

By: Bonnen

H.B. No. 2545

A BILL TO BE ENTITLED

AN ACT

relating to the courts that may review a decision in a contested case under the Administrative Procedure Act.

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

SECTION 1. Sections 2001.176(b) and (c), Government Code, are amended to read as follows:

(b) Unless otherwise provided by statute:

(1) the petition must be filed in a ~~[Travis County]~~ district court of a county in which the petitioner resides or transacts business;

(2) a copy of the petition must be served on the state agency and each party of record in the proceedings before the agency; and

(3) the filing of the petition vacates a state agency decision for which trial de novo is the manner of review authorized by law but does not affect the enforcement of an agency decision for which another manner of review is authorized.

(c) A ~~[Travis County]~~ district court in which an action is brought under this section, on its own motion or on motion of any party, may request transfer of the action to the court of appeals ~~[Court of Appeals for the Third Court of Appeals District]~~ if the district court finds that the public interest requires a prompt, authoritative determination of the legal issues in the case and the case would ordinarily be appealed. After filing of the district

1 court's request with the court of appeals, transfer of the action
2 may be granted by the court of appeals if it agrees with the
3 findings of the district court concerning the application of the
4 statutory standards to the action. On entry of an order by the
5 court of appeals granting transfer, the action is transferred to
6 the court of appeals for decision, and the agency decision in the
7 contested case is subject to judicial review by the court of
8 appeals. The administrative record and the district court record
9 shall be filed by the district clerk with the clerk of the court of
10 appeals. The court of appeals may direct the district court to
11 conduct any necessary evidentiary hearings in connection with the
12 action.

13 SECTION 2. This Act takes effect September 1, 2003, and
14 applies to a petition for judicial review filed on or after that
15 date. A petition for judicial review filed before the effective
16 date of this Act is governed by the law in effect on the date the
17 petition for judicial review was filed, and the former law is
18 continued in effect for that purpose.