

BILL ANALYSIS

C.S.H.B. 1305
By: Van Arsdale
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Questions and challenges on the state's school finance system routinely end up in the court system. In some instances, school districts or other parties have strategically filed suits in particular courts that might have a higher potential of granting the desired outcome.

CSHB 1305 would require that an action for injunctive relief, mandamus, or a declaratory judgment concerning public school finance be brought in a county with a population of at 800,000. In addition, it would require a plaintiff to file suit in the county where they reside if their home county fits into the 800,000 person population requirement. If not, it would require a plaintiff to file in the county closest to theirs that does meet the population requirement. It also provides that similar actions from an appeal of the trial court are a direct appeal to the Supreme Court.

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 1. If an action for injunctive relief, mandamus, or declaratory judgment concerns the validity of the state system for financing public elementary and secondary schools under provisions of the Texas or United States Constitution, the action shall be brought in a county with a population of at least 800,000. This does not include Section 15.014, Subchapter B, Chapter 15, Civil Practice and Remedies Code. Requires a plaintiff to file an action in the county where the plaintiff resides, if that county has a population of at least 800,000. If the plaintiff lives in a county with a population smaller than 800,000, the plaintiff must file an action in the county nearest them that does meet the 800,000-person population requirement.

SECTION 2. Adds Subsection (c-1) to Section 22.001, Government Code. Provides that besides Subsection (c) or the Texas Rules of Appellate Procedure, an appeal of the trial court in an action for injunctive relief, mandamus, or a declaratory judgment is a direct appeal to the Texas Supreme Court if the action concerns the state system for financing public elementary and secondary schools under the Texas or United States Constitutions.

SECTION 3. Section 15.021, Civil Practice and Remedies Code, and Section 22.001 (c-1), Government Code, as added by this Act, applies only to venue of and appeal from an action filed on or after the effective date of this Act. Any venue of or appeal from an action filed prior to the effective date is governed by the existing law.

SECTION 4. The 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, 2005.

EFFECTIVE DATE

Immediately on receipt of required vote, otherwise September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute reduces the population bracket to 800,000 and requires a plaintiff to file in county of residence or nearest county having jurisdiction.

C.S.H.B. 1305 79(R)