

By: Van Arsdale

H.B. No. 1305

Substitute the following for H.B. No. 1305:

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C.S.H.B. No. 1305

A BILL TO BE ENTITLED

AN ACT

1
2 relating to venue in an action concerning the constitutionality of
3 the school finance system and to direct appeal to the supreme court
4 of such an action.

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

6 SECTION 1. Subchapter B, Chapter 15, Civil Practice and
7 Remedies Code, is amended by adding Section 15.021 to read as
8 follows:

9 Sec. 15.021. ACTION CONCERNING CONSTITUTIONALITY OF SCHOOL
10 FINANCE SYSTEM. (a) This section applies only to an action for
11 injunctive relief, mandamus, or a declaratory judgment that
12 concerns the validity of the state system of providing financing
13 for public elementary and secondary schools under:

14 (1) Section 1, Article VII, Texas Constitution, or any
15 other provision of the Texas Constitution; or

16 (2) any provision of the United States Constitution.

17 (b) Notwithstanding Section 15.014 or other law, an action
18 to which this section applies shall be brought in:

19 (1) the county in which the plaintiff resides, if that
20 county has a population of at least 800,000; or

21 (2) the county nearest the county in which the
22 plaintiff resides that has a population of at least 800,000, if the
23 plaintiff does not reside in a county with a population of at least
24 800,000.

1 SECTION 2. Section 22.001, Government Code, is amended by
2 adding Subsection (c-1) to read as follows:

3 (c-1) Notwithstanding Subsection (c) or the Texas Rules of
4 Appellate Procedure, an appeal from an appealable decision of the
5 trial court in an action for injunctive relief, mandamus, or a
6 declaratory judgment is a direct appeal to the supreme court if the
7 action concerns the validity of the state system of providing
8 financing for public elementary and secondary schools under:

9 (1) Section 1, Article VII, Texas Constitution, or any
10 other provision of the Texas Constitution; or

11 (2) any provision of the United States Constitution.

12 SECTION 3. Section 15.021, Civil Practice and Remedies
13 Code, as added by this Act, and Section 22.001(c-1), Government
14 Code, as added by this Act, apply only to venue of and appeal from an
15 action filed on or after the effective date of this Act. Venue of
16 and appeal from an action filed before the effective date of this
17 Act are governed by the law in effect on the date the action was
18 filed, and the former law is continued in effect for that purpose.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2005.