

By: Van Arsdale

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. Notwithstanding Section 15.014 or other law, an
11 action for injunctive relief, mandamus, or a declaratory judgment
12 shall be brought in a county with a population of at least one
13 million if the action concerns the validity of the state system of
14 providing financing for public elementary and secondary schools
15 under:

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

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

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

21 (c-1) Notwithstanding Subsection (c) or the Texas Rules of
22 Appellate Procedure, an appeal from an appealable decision of the
23 trial court in an action for injunctive relief, mandamus, or a
24 declaratory judgment is a direct appeal to the supreme court if the

1 action concerns the validity of the state system of providing
2 financing for public elementary and secondary schools under:

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

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

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

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