

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 6, 2005

TO: Honorable Will Hartnett, Chair, House Committee on Judiciary

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB1305 by Van Arsdale (Relating to venue in an action concerning the constitutionality of the school finance system and to direct appeal to the supreme court of such an action.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to allow challenges to the school finance system to be brought in any county with a population of at least 800,000. For counties with populations under 800,000, proper venue is in the nearest county to the plaintiff's residential county with a population of at least one million. Currently, school finance litigation is conducted in Travis County based on the Texas Education Agency Commissioner's residence. The bill would require that an order rendered in a trial challenging the school finance system be appealed directly to the Texas Supreme Court. The Office of Attorney General (OAG) indicates that to the extent the bill would require staff to travel statewide, the minimal additional costs would not represent a significant fiscal implication to the OAG or the State.

The bill would take effect immediately if it receives a vote of two-thirds majority in both houses of the Legislature. Otherwise, the bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. This estimate assumes that any additional expenses to counties with populations of more than one million, which includes Harris, Dallas, Tarrant, and Bexar counties, would be minimal.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 201 Supreme Court of Texas

LBB Staff: JOB, KJG, LB, ZS, TB