

BILL ANALYSIS

Senate Research Center

S.B. 455
By: Creighton
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current Texas law, legal cases against the state that are of significant statewide importance are tried like other cases, in a county district court of original jurisdiction. The problem with this system for these select kinds of cases is that review on appeal is bound by the findings and scope of the trial court. One county district court is able to set the tone for an entire case with statewide impact.

S.B. 455 addresses this issue by creating a three-judge district court for certain cases if requested by the attorney general. One judge on the panel would automatically be the district court judge from the court where the case was originally filed, ensuring that the original court's jurisdiction is protected. The other two judges would be appointed by the chief justice of the Texas Supreme Court and would consist of another district court judge from elsewhere in the state and an appellate court judge from an appellate district not represented by either of the first two judges. By creating these courts, Texas would give much greater representation to opinions and concerns from around the entire state when deciding a case of large statewide impact.

S.B. 455 requires the chief justice to empanel the three-judge district court in cases related to school finance and redistricting. In cases involving other state finances, impacting state policies or operations, or consisting of matters involving exceptional statewide importance, the chief justice would have discretion whether to empanel a three-judge district court. All appeals from decisions of a three-judge district court would be directly to the Texas Supreme Court.

As Texas continues to grow, all constituencies from around the state should have representation and a voice in cases of such a large magnitude. To do otherwise is an effective disenfranchisement of Texans who live in every other county of the state outside the county where the case was filed.

As proposed, S.B. 455 amends current law relating to the creation of a special three-judge district court.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of the State of Texas in SECTION 1 (Sections 22A.004 and 22A.006, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle A, Title 2, Government Code, by adding Chapter 22A, as follows:

CHAPTER 22A. SPECIAL THREE-JUDGE DISTRICT COURT.

Sec. 22A.001. MANDATORY PROCEEDINGS. (a) Authorizes the attorney general of the State of Texas (attorney general), in any lawsuit in district court in which the state or an officer or agency of the state is a defendant and in which a claim described by Subsection 22A.001(a)(1) or 22A.001(a)(2) is filed by any party, to petition the chief justice of the Supreme Court of the State of Texas (chief justice) for the formation of a special three-judge district court. Provides that this section applies to:

(1) any claim challenging the finances or operations of the state's public school system; and

(2) any claim involving the apportionment of districts for the Texas House, Texas Senate, U.S. Congress, State Board of Education, or the apportionment of state judicial districts.

(b) Provides that such a petition by the attorney general stays all proceedings in the district court until the chief justice acts on the petition.

(c) Requires the chief justice, within a reasonable time after receipt of a petition under Section 22A.001, to order that the case be heard by a special three-judge district court as provided by Section 22A.003.

Sec. 22A.002. DISCRETIONARY PROCEEDINGS. (a) Authorizes the attorney general, in any lawsuit in district court in which the state or an officer or agency of the state is a defendant, to petition the chief justice for the formation of a special three-judge district court as provided by Section 22A.003. Requires that the attorney general's petition certify that the outcome of the case:

(1) could significantly impact the finances of the state;

(2) could significantly alter the operations of important statewide policies or programs; or

(3) is otherwise of exceptional statewide importance such that the case should not be decided by a single district judge.

(b) Provides that such a petition by the attorney general stays all proceedings in the district court until the chief justice acts on the petition.

(c) Authorizes the chief justice to requires that any party file a statement objecting to or supporting the attorney general's petition. Prohibits such a statement from being filed unless requested by the chief justice. Requires that any such statement address only whether the claims at issue satisfy the criteria listed in Section 22A.003(a)(1)-(a)(3) and prohibits the statement from addressing other matters.

(d) Authorizes the chief justice to either deny the petition or order that the case be heard by a special three-judge district court.

(e) Provides that the chief justice's decision to grant or deny the petition is final and is prohibited from being appealed or challenged.

(f) Authorizes the chief justice, in ruling on a petition filed under section 22A.002, to consider:

(1) whether the petition meets the standards of Subsections 22A.002(a)(1)-22A.002(a)(3); and

(2) the available resources of the court system of the state.

(g) Prohibits the chief justice, in ruling on the petition, from expressing any opinion on any question of law or fact arising from the claims giving rise to the petition.

Sec. 22A.003. SPECIAL THREE-JUDGE DISTRICT COURTS. (a) Requires the chief justice, after receipt of a petition under Section 22A.001 or after granting a petition under Section 22A.002, to order the formation of a three-judge district court. Requires the court to consist of:

(1) the district judge to whom the case was assigned at the time the petition to the chief justice was submitted;

(2) a district judge chosen by the chief justice who has been elected by the voters of a county other than the county in which the case was filed; and

(3) a justice of a court of appeals chosen by the chief justice who has been elected by the voters of a judicial district other than the judicial district in which the case was filed or in which the district judge chosen under this section sits.

(b) Requires the three-judge court to sit in the county in which the case was filed and authorizes the court to use the facilities, courtroom, and administrative support of the district court in which the case was filed.

(c) Requires that the travel expenses and other incidental costs related to convening the three-judge court be paid by the Office of Court Administration.

(d) Requires a three-judge court, on the motion of any party, to consolidate with the cause of action before it any related case pending in any district court or inferior court in the state. Requires that any case so consolidated be transferred, if necessary, to the district court in which the three-judge court sits. Authorizes such a transfer to occur without the consent of the parties to the related case or the court in which the related case is pending. Defines "related case," for the purposes of this section.

Sec. 22A.004. RULES OF CIVIL PROCEDURE. (a) Requires that the Texas Rules of Civil Procedure and all other statutes and rules normally applicable to litigation in civil district courts in this state, except as provided by this section, apply to proceedings in front of a three-judge district court; provided, however, that the Supreme Court of Texas (Supreme Court) is authorized to promulgate rules for the operation of three-judge district courts convened under this chapter.

Sec. 22A.005. ACTIONS BY JUSTICES. (a) Authorizes a single judge on the three-judge court, with the unanimous consent of the three-judge panel, to conduct pre-trial proceedings and enter interlocutory orders prior to trial.

(b) Prohibits any single judge from entering a temporary restraining order, a temporary injunction, or any order that finally disposes of any claim.

(c) Authorizes any action by a single judge to be reviewed by the full three-judge court at any time prior to final judgment.

Sec. 22A.006. APPEAL. (a) Requires that an appeal from an appealable interlocutory order of final judgment of a three-judge court be directly to the Supreme Court.

(b) Authorizes the Supreme Court of Texas to promulgate rules for appeals from three-judge district courts.

SECTION 2. Effective date: upon passage or September 1, 2015. Makes application of this Act prospective.