

BILL ANALYSIS

Senate Research Center
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S.B. 1529
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Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Civil cases of statewide significance frequently involve the state, a state agency, or a state official (sued in connection with their official action) as a party. These cases require courts to apply highly specialized precedent in complex areas of law including sovereign immunity, administrative law, and constitutional law. Such cases also commonly seek a monetary award of state funds.

Under the current judicial system, appeals in cases of statewide significance are decided by one of Texas's 14 intermediate appellate courts. While this court is sometimes determined based on the county where the case originated, cases are frequently transferred among courts of appeal for docket equalization. These courts have varying levels of experience with the complex legal issues involved in cases of statewide significance, resulting in inconsistent results for litigants. This not only brings volatility to the state's jurisprudence, it does so at taxpayer expense.

S.B. 1529 addresses these problems by establishing an intermediate court of appeals with exclusive jurisdiction over cases to which the state, a state agency, or a state official is a party. The justices on this new Texas Court of Appeals are elected statewide, ensuring that all Texans have a voice in the selection of judges who decide cases of statewide importance.

As proposed, S.B. 1529 amends current law relating to the creation of the Texas Court of Appeals to hear certain cases and authorizes fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Supreme Court of Texas in SECTION 1.02 (Section 22.2155, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. TEXAS COURT OF APPEALS

SECTION 1.01. Amends Section 22.201(a), Government Code, as follows:

(a) Provides that the state is divided into 14 courts of appeals districts with a court of appeals of general jurisdiction, rather than with a court of appeals, in each district. Provides that the state has one statewide court of appeals district for the Texas Court of Appeals.

SECTION 1.02. Amends Subchapter C, Chapter 22, Government Code, by adding Section 22.2155, as follows:

Sec. 22.2155. TEXAS COURT OF APPEALS. (a) Provides that the Texas Court of Appeals has exclusive appellate jurisdiction over all cases or any matters arising out of or related to a civil case brought by or against the state or a state agency, board, or commission or by or against an officer of the state or a state agency, board, or commission.

(b) Provides that the court is composed of six justices elected by the qualified voters of the state.

(c) Requires that the court sit in the City of Austin.

(d) Requires the Supreme Court of Texas to adopt rules to:

(1) provide for the administration of the Texas Court of Appeals as a subject matter jurisdiction court of appeals and assist the court in processing appeals filed from the district courts, statutory county courts, and county courts of the state; and

(2) set court costs and fees for the court.

SECTION 1.03. Amends Section 22.216, Government Code, by adding Subsection (n-1) to provide that the Texas Court of Appeals consists of a chief justice and of five justices holding places numbered consecutively beginning with Place 2.

SECTION 1.04 Amends Section 22.220(a), Government Code, as follows:

(a) Provides that each court of appeals of general jurisdiction, rather than each court of appeals, has appellate jurisdiction of all civil cases within its district of which the district courts or county courts have jurisdiction when the amount in controversy or the judgment rendered exceeds \$250, exclusive of interest and costs, other than cases over which the Texas Court of Appeals has exclusive appellate jurisdiction under Section 22.2155.

SECTION 1.05. (a) Provides that the Texas Court of Appeals is created on January 1, 2023.

(b) Requires that the initial vacancies in the offices of chief justice and justice of the Texas Court of Appeals be filled by election. Provides that the offices exist for purposes of the primary and general elections in 2022.

SECTION 1.06. (a) Provides that on the date the Texas Court of Appeals is created, all cases pending in courts of appeals of general jurisdiction of which the Texas Court of Appeals has exclusive jurisdiction are transferred to the Texas Court of Appeals.

(b) Provides that when a case is transferred as provided by Subsection (a) of this section:

(1) all processes, writs, bonds, recognizances, or other obligations issued from the court of appeals of general jurisdiction are returnable to the Texas Court of Appeals as if originally issued by that court; and

(2) the obligees on all bonds and recognizances taken in and for a court of appeals of general jurisdiction and all witnesses summoned to appear in a court of appeals of general jurisdiction are required to appear before the Texas Court of Appeals as if originally required to appear before that court.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Amends Article 4.01, Code of Criminal Procedure, to make a conforming change.

SECTION 2.02. Amends Article 4.03, Code of Criminal Procedure, to make a conforming change.

SECTION 2.03. Amends Article 44.25, Code of Criminal Procedure, to make a conforming change.

SECTION 2.04. Amends Section 612.004(f)(2), Government Code, to redefine "state agency."

ARTICLE 3. EFFECTIVE DATE

SECTION 3.01. Effective date: January 1, 2022.