BILL ANALYSIS

DIGEST

Currently, the Administrative Procedure Act requires a three-step sequence for agency rules and contested case decisions. Review occurs first in the district court of Travis County, next the Third Court of Appeals, and finally the Supreme Court of Texas. Completion of this process can take several months or years, delaying final judicial decisions and increasing costs. C.S.H.B. 2105 authorizes the transfer of an action from a Travis County district court to the Court of Appeals for the Third Court of Appeals District to increase the speed and efficiency of judicial determinations.

PURPOSE

As proposed, C.S.H.B. 2105 authorizes the transfer of an action from a Travis County district court to the Court of Appeals for the Third Court of Appeals District, dependent upon the district court's decision.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2001.038, Government Code, by adding Subsection (f), to authorize a Travis County district court to request transfer of an action to the Court of Appeals for the Third Court of Appeals District, under certain conditions. Requires the district court to determine the validity of the appeal and to take appropriate action. Sets forth provisions for the court of appeals to grant transfer of an action. Provides that the validity or applicability of the rule in question is subject to judicial review by the court of appeals. Requires certain records to be filed with the clerk of the court of appeals. Authorizes the court of appeals to direct a district court to conduct evidentiary hearings.

SECTION 2. Amends Section 2001.176, Government Code, by adding Subsection (c), to make conforming changes.

SECTION 3. Effective date: September 1, 1999.
Makes application of this Act prospective.

SECTION 4. Emergency clause.