

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 455
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State Affairs
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Committee Report (Substituted)

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. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 455 amends current law relating to special three-judge district courts convened to hear certain cases.

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. ELIGIBLE PROCEEDINGS. (a) Authorizes the attorney general of the State of Texas (attorney general) to petition the chief justice of the Supreme Court of the State of Texas (chief justice) to convene a special three-judge district court in any suit filed in a district court in this state in which this state or a state officer or agency is a defendant in a claim that:

(1) challenges the finances or operations of this state's public school system; or

(2) involves the apportionment of districts for the house of representatives, the senate, the State Board of Education (SBOE), or the United States Congress, or state judicial districts.

(b) Provides that a petition filed by the attorney general under this section stays all proceedings in the district court in which the original case was filed until the chief justice acts on the petition.

(c) Requires the chief justice, within a reasonable time after receipt of a petition from the attorney general under Subsection (a), to grant the petition and issue an order transferring the case to a special three-judge district court convened as provided by Section 22A.002.

Sec. 22A.002. SPECIAL THREE-JUDGE DISTRICT COURT. (a) Requires the chief justice, on receipt of a petition under Section 22A.001, to order a special three-judge district court to convene and to appoint three persons to serve on the court as follows:

(1) the district judge of the judicial district to which the original case was assigned;

(2) one district judge of a judicial district other than a judicial district in the same county as the judicial district to which the original case was assigned; and

(3) one justice of a court of appeals other than:

(A) the court of appeals in the court of appeals district in which the original case was assigned; or

(B) a court of appeals district in which the district judge appointed under Subdivision (2) sits.

(b) Requires a judge or justice appointed under Subsection (a)(2) or (3) to have been elected to that office and not be serving an appointed term of office.

(c) Requires a special three-judge district court convened under this section to conduct all hearing in the district court to which the original case was assigned and to use the courtroom, other facilities, and administrative support of the district court.

(d) Requires the Office of Court Administration of the Texas Judicial System to pay the travel expenses and other incidental costs related to convening a special three-judge district court under this chapter.

Sec. 22A.003. CONSOLIDATION OF RELATED ACTIONS. (a) Defines "related case" for purposes of this section.

(b) Requires the court, on the motion of any party to a case assigned to a special three-judge district court under Section 22A.002, to consolidate with the cause of action before the court any related case pending in any district court or other court in this state.

(c) Requires that a case consolidated under Subsection (b) be transferred to the special three-judge district court if the court finds that transfer is necessary. Authorizes the transfer to occur without the consent of the parties to the related case or of the court in which the related case is pending.

Sec. 22A.004. APPLICATIONS OF TEXAS RULES OF CIVIL PROCEDURES. (a) Provides that, except as provided by this section, the Texas Rules of Civil Procedure and all other statutes and rules applicable to civil litigation in a district court in this state apply to proceedings before a special three-judge district court.

(b) Authorizes the supreme court of the State of Texas (supreme court) to adopt rules for the operation of special three-judge district court convened under this chapter and for the procedures of the court.

Sec. 22A.005. ACTION BY JUDGE OR JUSTICE. (a) Authorizes a judge or justice of the court, with the unanimous consent of the three judges sitting on a special three-judge district court, to:

(1) independently conduct pretrial proceedings; and

(2) enter interlocutory orders before trial.

(b) Prohibits a judge or justice of a special three-judge district court from independently entering a temporary restraining order, temporary injunction, or any order that finally disposes of a claim before the court.

(c) Authorizes any independent action taken by one judge or justice of a special three-judge district court related to a claim before the court to be reviewed by the entire court at any time before final judgment.

Sec. 22A.006. APPEAL. (a) Provides that an appeal from an appealable interlocutory order or final judgment of a special three-judge district court is to the supreme court.

(b) Authorizes the supreme court to adopt rules for appeals from a special three-judge district court.

SECTION 2. Effective date: upon passage or September 1, 2015.