

BILL ANALYSIS

Senate Research Center

S.B. 1049
By: Moncrief
Human Services
4/5/1999
As Filed

DIGEST

Currently, Texas law allows for multiple venues for certain judicial actions involving intermediate care facilities for the mentally retarded (ICFMR). The venue provision governing suits filed against ICFMR under Section 252.062, Health and Safety Code, requires suits to be filed in the county in which the violation occurs. The venue provision governing suits filed against ICFMR under Section 252.093, Health and Safety Code, requires suits to be filed in Travis County. Inconsistency and lack of uniformity have been cited as providing hardships on attorneys as well as inconsistent rulings as a result of these current provisions in Texas law. This bill would set forth required venues for certain judicial actions involving intermediate care facilities for the mentally retarded.

PURPOSE

As proposed, S.B. 1049 sets forth required venues for certain judicial actions involving intermediate care facilities for the mentally retarded.

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 252.062(d), Health and Safety Code, to provide that a suit for a temporary restraining order or other injunctive relief must be brought in Travis County or the county in which the alleged violation occurs.

SECTION 2. Amends Section 252.093(e), Health and Safety Code, to provide that an action under this section must be brought in Travis County or the county in which the violation is alleged to have occurred.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.