

## **BILL ANALYSIS**

Senate Research Center  
78R7575 KSD-D

H.B. 2323  
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State Affairs  
5/22/2003  
Engrossed

### **DIGEST AND PURPOSE**

Currently, the provision for transferring venue of a workers' compensation lawsuit is unclear. H.B. 2323 requires a court that does not have jurisdiction over a suit to transfer certain cases regarding workers' compensation claims to the appropriate court. This bill acknowledges the initial filing if it is within 40 days of the appeal panels decision.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 410.252, Labor Code, by adding Subsections (c) and (d), as follows:

(c) Requires a court, on determining that it does not have jurisdiction to render judgment on the merits of the suit, to transfer the case to a proper court in a county described by Subsection (b), if a suit under this section is filed in a county other than the county described by Subsection (b). Requires notice of the transfer of a suit to be given to the parties. Requires a suit transferred under this subsection to be considered for all purposes the same as if originally filed in the court to which it is transferred.

(d) Provides that if a suit is initially filed within the 40-day period in Subsection (a), and is transferred under Subsection (c), the suit is considered to be timely filed in the court to which it is transferred.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.