

BILL ANALYSIS

S.B. 455
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties point out that major litigation that affects the state as a whole is tried before a single district judge who is elected by and accountable only to the voters of a single county, which effectively gives the voters and judges of one county more power over statewide policy than the voters and judges of all other counties in the state. The parties believe there is no adequate justification for such a system and that a panel of judges would be a fairer way to address matters of statewide significance. S.B. 455 seeks to provide for this method of addressing important state matters.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Supreme Court in SECTION 1 of this bill.

ANALYSIS

S.B. 455 amends the Government Code to authorize the attorney general to petition the chief justice of the Texas Supreme Court to convene a special three-judge district court in any suit filed in a district court in Texas in which the state or a state officer or agency is a defendant in a claim that challenges the finances or operations of the public school system or involves the apportionment of districts for the house of representatives, the senate, the State Board of Education, the United States Congress, or state judicial districts. The bill establishes that the petition stays all proceedings in the district court in which the original case was filed until the chief justice acts on the petition. The bill requires the chief justice, within a reasonable time after receipt of the petition, to grant the petition and to issue an order transferring the case to a special three-judge district court convened as provided for in the bill.

S.B. 455 requires the chief justice, on receipt of a petition from the attorney general that requires the chief justice to order a special three-judge district court to convene, to order the convening of such a special three-judge district court and requires the chief justice to appoint to that court the district judge of the judicial district to which the original case was assigned, one elected 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 one elected justice of a court of appeals other than the court of appeals in the court of appeals district in which the other judges on the panel sit. The bill requires the special three-judge district court to conduct all hearings in the district court to which the original case was assigned and authorizes the special three-judge district court to use the courtroom, other facilities, and administrative support of the district court. The bill requires the Office of Court Administration of the Texas Judicial System to pay the travel expenses and

other incidental costs related to convening the special three-judge district court.

S.B. 455 requires the special three-judge district court to consolidate by order the cause of action before the court with any related case pending in any district court or other court in the state on the motion of any party to a case assigned to the special three-judge district court. The bill requires such a consolidated case to be transferred to the special three-judge district court if the court finds that transfer is necessary. The bill 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. The bill defines "related case" to mean any case in which this state or a state officer or agency is a defendant that arises from the same nucleus of operative facts as the claim before the special three-judge district court, regardless of the legal claims or causes of action asserted in the related case.

S.B. 455 authorizes the supreme court to adopt rules for the operation and procedures of a special three-judge district court and establishes that otherwise the Texas Rules of Civil Procedure and all other statutes and rules applicable to civil litigation in a district court in the state apply to proceedings before a special three-judge district court.

S.B. 455 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 independently conduct pretrial proceedings and enter interlocutory orders before trial. The bill 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. The bill 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. The bill establishes that an appeal from an appealable interlocutory order or final judgment of a special three-judge district court is to the supreme court. The bill authorizes the supreme court to adopt rules for such appeals.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.