

By: Janek

S.B. No. 749

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority and salary of a district judge presiding
3 over multidistrict litigation proceedings in cases involving
4 claims for asbestos-related or silica-related injuries.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 23.101, Government Code, is amended by
7 adding Subsections (c) and (d) to read as follows:

8 (c) A district judge who presides over multidistrict
9 litigation involving claims for asbestos-related or silica-related
10 injuries shall confer with a trial court regarding trial settings
11 or other matters regarding remand. The trial court shall cooperate
12 with the multidistrict litigation court and shall not continue or
13 postpone a trial setting without the concurrence of the
14 multidistrict litigation court.

15 (d) A district court judge who presides over multidistrict
16 litigation involving claims for asbestos-related or silica-related
17 injuries is a party in interest for the limited purpose of
18 requesting mandamus enforcement of the priority in setting hearings
19 and trials under Subsection (a)(7).

20 SECTION 2. Chapter 74, Government Code, is amended by
21 adding Subchapter I to read as follows:

22 SUBCHAPTER I. JUDGE PRESIDING OVER MULTIDISTRICT LITIGATION

23 Sec. 74.201. STAFF. A district judge who presides over
24 multidistrict litigation involving claims for asbestos-related or

1 silica-related injuries may appoint one briefing attorney and not
2 more than three clerks to assist the judge.

3 SECTION 3. Subchapter B, Chapter 659, Government Code, is
4 amended by adding Section 659.0125 to read as follows:

5 Sec. 659.0125. SALARY FOR DISTRICT JUDGE PRESIDING OVER
6 MULTIDISTRICT LITIGATION. (a) Notwithstanding Section 659.012 or
7 any other law, a district judge who presides over multidistrict
8 litigation involving claims for asbestos-related or silica-related
9 injuries is entitled to receive, in addition to all other
10 compensation, expenses, and perquisites authorized by law, the
11 maximum amount of compensation set by the Texas Judicial Council
12 for a presiding judge under Section 74.051(b). The annual amount
13 must be apportioned over 12 equal monthly payments and be paid to
14 the judge by the Texas Judicial Council for each month during which
15 the judge retains jurisdiction over the claims.

16 (b) Notwithstanding any other law, supplemental
17 compensation paid to a district judge under this section is not
18 included as part of the district judge's total annual salary for the
19 purpose of computing another salary that is based on the salary of
20 the district judge.

21 SECTION 4. The compensation authorized by Section 659.0125,
22 Government Code, as added by this Act, applies only to a month that
23 begins on or after the effective date of this Act.

24 SECTION 5. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2007.