

By: Janek

S.B. No. 749

A BILL TO BE ENTITLED

AN ACT

1
2 relating to multidistrict litigation proceedings in cases
3 involving claims for asbestos-related or silica-related injuries.

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

5 SECTION 1. Section 90.001, Civil Practice and Remedies
6 Code, is amended by adding Subdivision (11-A) to read as follows:

7 (11-A) "MDL panel" means the judicial panel on
8 multidistrict litigation designated under Section 74.161,
9 Government Code.

10 SECTION 2. Section 90.010, Civil Practice and Remedies
11 Code, is amended by amending Subsection (c) and adding Subsection
12 (l) to read as follows:

13 (c) In an action transferred to an MDL pretrial court in
14 which the exposed person is living and has been diagnosed with
15 malignant mesothelioma, other malignant asbestos-related cancer,
16 malignant silica-related cancer, or acute silicosis, the MDL
17 pretrial court shall expedite the action in a manner calculated to
18 provide the exposed person with a trial or other disposition in the
19 shortest period that is fair to all parties and consistent with the
20 principles of due process. The MDL pretrial court should, as far as
21 reasonably possible, ensure that such action is brought to trial or
22 final disposition within six months from the date the action is
23 transferred to the MDL pretrial court, provided that all discovery
24 and case management requirements of the MDL pretrial court have

1 been satisfied. The MDL panel, at the request of the MDL pretrial
2 court, may issue a writ of mandamus to the trial court requiring the
3 trial court to set a trial date for the action.

4 (1) An MDL pretrial court judge having jurisdiction over
5 cases to which this chapter applies shall receive, in addition to
6 all other compensation, expenses, and perquisites authorized by
7 law, the maximum amount of compensation set by the Texas Judicial
8 Council for a presiding judge under Section 74.051(b), Government
9 Code. The annual amount must be apportioned over 12 equal monthly
10 payments and be paid to the judge by the Texas Judicial Council for
11 each month during which the judge retains jurisdiction over the
12 cases to which this chapter applies.

13 SECTION 3. (a) This Act applies to an action transferred to
14 an MDL trial court, as that term is defined by Section 90.001, Civil
15 Practice and Remedies Code, without regard to whether the action
16 was transferred before, on, or after the effective date of this Act.

17 (b) The compensation authorized by Section 90.010(1), Civil
18 Practice and Remedies Code, as added by this Act, for each month
19 that a judge has jurisdiction over cases under Chapter 90, Civil
20 Practice and Remedies Code, applies only to a month that begins on
21 or after the effective date of this Act.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.