

By: Creighton
(Schofield)

S.B. No. 455

A BILL TO BE ENTITLED

AN ACT

relating to special three-judge district courts convened to hear certain cases.

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

SECTION 1. Subtitle A, Title 2, Government Code, is amended by adding Chapter 22A to read as follows:

CHAPTER 22A. SPECIAL THREE-JUDGE DISTRICT COURT

Sec. 22A.001. ELIGIBLE PROCEEDINGS. (a) The attorney general may petition the chief justice of the supreme court to convene a special three-judge district court in any suit filed in a district court in this state in which this state or a state officer or agency is a defendant in a claim that:

(1) challenges the finances or operations of this state's public school system; or

(2) involves the apportionment of districts for the house of representatives, the senate, the State Board of Education, or the United States Congress, or state judicial districts.

(b) A petition filed by the attorney general under this section stays all proceedings in the district court in which the original case was filed until the chief justice of the supreme court acts on the petition.

(c) Within a reasonable time after receipt of a petition from the attorney general under Subsection (a), the chief justice of the supreme court shall grant the petition and issue an order

1 transferring the case to a special three-judge district court
2 convened as provided by Section 22A.002.

3 Sec. 22A.002. SPECIAL THREE-JUDGE DISTRICT COURT. (a) On
4 receipt of a petition under Section 22A.001, the chief justice
5 shall order a special three-judge district court to convene and
6 shall appoint three persons to serve on the court as follows:

7 (1) the district judge of the judicial district to
8 which the original case was assigned;

9 (2) one district judge of a judicial district other
10 than a judicial district in the same county as the judicial district
11 to which the original case was assigned; and

12 (3) one justice of a court of appeals other than:

13 (A) the court of appeals in the court of appeals
14 district in which the original case was assigned; or

15 (B) a court of appeals district in which the
16 district judge appointed under Subdivision (2) sits.

17 (b) A judge or justice appointed under Subsection (a)(2) or
18 (3) must have been elected to that office and may not be serving an
19 appointed term of office.

20 (c) A special three-judge district court convened under
21 this section shall conduct all hearings in the district court to
22 which the original case was assigned and may use the courtroom,
23 other facilities, and administrative support of the district court.

24 (d) The Office of Court Administration of the Texas Judicial
25 System shall pay the travel expenses and other incidental costs
26 related to convening a special three-judge district court under
27 this chapter.

1 Sec. 22A.003. CONSOLIDATION OF RELATED ACTIONS. (a) In
2 this section, "related case" means any case in which this state or a
3 state officer or agency is a defendant that arises from the same
4 nucleus of operative facts as the claim before a special
5 three-judge district court under this chapter, regardless of the
6 legal claims or causes of action asserted in the related case.

7 (b) On the motion of any party to a case assigned to a
8 special three-judge district court under Section 22A.002, the court
9 by order shall consolidate with the cause of action before the court
10 any related case pending in any district court or other court in
11 this state.

12 (c) A case consolidated under Subsection (b) must be
13 transferred to the special three-judge district court if the court
14 finds that transfer is necessary. The transfer may occur without
15 the consent of the parties to the related case or of the court in
16 which the related case is pending.

17 Sec. 22A.004. APPLICATION OF TEXAS RULES OF CIVIL
18 PROCEDURE. (a) Except as provided by this section, the Texas
19 Rules of Civil Procedure and all other statutes and rules
20 applicable to civil litigation in a district court in this state
21 apply to proceedings before a special three-judge district court.

22 (b) The supreme court may adopt rules for the operation of a
23 special three-judge district court convened under this chapter and
24 for the procedures of the court.

25 Sec. 22A.005. ACTIONS BY JUDGE OR JUSTICE. (a) With the
26 unanimous consent of the three judges sitting on a special
27 three-judge district court, a judge or justice of the court may:

1 (1) independently conduct pretrial proceedings; and

2 (2) enter interlocutory orders before trial.

3 (b) A judge or justice of a special three-judge district
4 court may not independently enter a temporary restraining order,
5 temporary injunction, or any order that finally disposes of a claim
6 before the court.

7 (c) Any independent action taken by one judge or justice of
8 a special three-judge district court related to a claim before the
9 court may be reviewed by the entire court at any time before final
10 judgment.

11 Sec. 22A.006. APPEAL. (a) An appeal from an appealable
12 interlocutory order or final judgment of a special three-judge
13 district court is to the supreme court.

14 (b) The supreme court may adopt rules for appeals from a
15 special three-judge district court.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2015.