Senate Research Center   S.B. 827
                                                                                    By: Huffman
                                                                                    State Affairs
                                                                                    5/24/2019
                                                                                    Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Office of the Attorney General (OAG) is charged with investigating and prosecuting violations of the Deceptive Trade Practices Act (DTPA) and the Texas Medicaid Fraud Prevention Act (TMFPA). Unlike private plaintiffs, OAG has the authority to pursue injunctions to stop ongoing DTPA and TMFPA violations. Currently, the state's ability to pursue prospective injunctive relief against defendants is being prevented, as a multi-district litigation (MDL) panel may transfer the suit into the MDL with other plaintiffs' cases. A transfer of the state's case effectively stays the suit and indefinitely prevents OAG or a district or county attorney from obtaining an injunction. S.B. 827 would amend the Government Code to create an exception to transfer. Under S.B. 827, a MDL panel's authority to transfer cases would not apply to an action brought under the DTPA or an action brought under Chapter 36 of the Human Resources Code (TMFPA) by the OAG, or a district or county attorney. (Original Author's/Sponsor's Statement of Intent)

S.B. 827 amends current law relating to the transfer of civil cases by the judicial panel on multidistrict litigation.

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 74.162, Government Code, as follows:

Sec. 74.162. TRANSFER OF CASES BY PANEL. Authorizes the judicial panel on multidistrict litigation, subject to Section 74.1625 and notwithstanding any other law, rather than notwithstanding any other law to the contrary, to transfer civil actions involving one or more common questions of fact pending in the same or different constitutional courts, county courts at law, probate courts, or district courts to any district court for consolidated or coordinated pretrial proceedings, including summary judgment or other dispositive motions, but not for trial on the merits. Makes no further changes to this section.

SECTION 2. Amends Subchapter H, Chapter 74, Government Code, by adding Section 74.1625, as follows:

Sec. 74.1625. PROHIBITED TRANSFER OF CASES. (a) Prohibits the judicial panel on multidistrict litigation, notwithstanding any other law, from transferring an action brought under Subchapter E (Deceptive Trade Practices and Consumer Protection), Chapter 17, Business & Commerce Code, except an action specifically authorized by Section 17.50 (Relief For Consumers) of that code, or an action brought under Chapter 36 (Medicaid Fraud Prevention), Human Resources Code.

(b) Prohibits the Supreme Court of Texas, notwithstanding Section 22.004 (Rules of Civil Procedure), from amending or adopting rules in conflict with this section.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2019.