

By: Smith

H.B. No. 2950

A BILL TO BE ENTITLED

AN ACT

relating to the composition of and actions transferred by the
judicial panel on multidistrict litigation.

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

SECTION 1. Section 74.161(a), Government Code, is amended
to read as follows:

(a) The judicial panel on multidistrict litigation consists
of five members designated from time to time by the [~~chief justice~~
~~of the~~] supreme court. The members of the panel must be active,
former, or retired court of appeals justices or active
administrative judges.

SECTION 2. Section 74.162, Government Code, is amended to
read as follows:

Sec. 74.162. TRANSFER OF CASES BY PANEL. Subject to Section
74.1625 and notwithstanding any other law, the judicial panel on
multidistrict litigation may transfer civil actions involving one
or more common questions of law or 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. A
transfer may be made by the judicial panel on multidistrict
litigation on its determination that the transfer will:

(1) be for the convenience of the parties and

1 witnesses; and

2 (2) promote the just and efficient conduct of the
3 actions.

4 SECTION 3. Section 74.1625(a), Government Code, is amended
5 to read as follows:

6 (a) Notwithstanding any other law, the judicial panel on
7 multidistrict litigation may not transfer:

8 (1) an action brought by the consumer protection
9 division of the attorney general's office under Subchapter E,
10 Chapter 17, Business & Commerce Code~~[, except an action~~
11 ~~specifically authorized by Section 17.50 of that code]~~; or

12 (2) an action brought under Chapter 36, Human
13 Resources Code.

14 SECTION 4. The changes in law made by this Act apply only to
15 an action commenced on or after the effective date of this Act. An
16 action commenced before the effective date of this Act is governed
17 by the law in effect immediately before the effective date of this
18 Act, and the former law is continued in effect for that purpose.

19 SECTION 5. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2021.