

By: Hughes

H.B. No. 3415

Substitute the following for H.B. No. 3415:

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C.S.H.B. No. 3415

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the transfer of asbestos-related claims by the judicial
3 panel on multidistrict litigation.

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

5 SECTION 1. (a) An interim committee is created to study the
6 transfer of asbestos-related claims by the judicial panel on
7 multidistrict litigation.

8 (b) The committee consists of six members, of whom:

9 (1) three shall be appointed by the lieutenant
10 governor from the members of the Senate Committee on Jurisprudence;
11 and

12 (2) three shall be appointed by the speaker of the
13 house of representatives from the members of the House Judiciary
14 Committee.

15 (c) The presiding officers appointing the members of the
16 committee shall each appoint a presiding officer from among the
17 members appointed to the committee.

18 (d) The committee shall convene at the call of the two
19 presiding officers.

20 (e) The committee shall:

21 (1) study:

22 (A) the transfer under Subchapter H, Chapter 74,
23 Government Code, of civil actions involving asbestos-related
24 claims; and

1 (B) the use of consolidated or coordinated
2 pretrial proceedings under that subchapter for claims for malignant
3 and nonmalignant asbestos-related injuries; and

4 (2) make recommendations regarding the appropriate
5 handling of pretrial proceedings for those actions and claims.

6 (f) In addition to any other issue the committee considers
7 appropriate, the committee may consider:

8 (1) whether the consolidation or coordination of
9 pretrial proceedings for actions and claims described in Subsection
10 (e) of this section in one or more than one district court is
11 appropriate;

12 (2) whether pretrial proceedings for different types
13 of actions and claims described in Subsection (e) of this section
14 are appropriately consolidated or coordinated separately for other
15 types of those actions and claims; and

16 (3) whether pretrial proceedings for certain types of
17 actions and claims described in Subsection (e) of this section are
18 appropriately handled by consolidation or coordination under
19 Subchapter H, Chapter 74, Government Code, or by another method.

20 (g) Not later than February 1, 2007, the committee shall
21 report the committee's findings and recommendations to the
22 lieutenant governor, the speaker of the house of representatives,
23 and the members of the 80th Legislature.

24 (h) Not later than the 15th day after the effective date of
25 this Act, the lieutenant governor and the speaker of the house of
26 representatives shall appoint the members of the interim committee
27 created under this section.

1 SECTION 2. This Act takes effect September 1, 2005.