

By: Eiland, Herrero

H.B. No. 4097

Substitute the following for H.B. No. 4097:

By: Lewis

C.S.H.B. No. 4097

A BILL TO BE ENTITLED

AN ACT

relating to transfer of cases by the judicial panel on multidistrict litigation.

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

SECTION 1. Section 74.162, Government Code, is amended to read as follows:

Sec. 74.162. TRANSFER OF CASES BY PANEL. Notwithstanding any other law to the contrary, the judicial panel on multidistrict litigation may transfer civil actions that are subject to Section 82.007 or Chapter 90, Civil Practice and Remedies Code, and involve ~~[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. 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 witnesses; and

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

SECTION 2. The change in law made by this Act applies only to an action commenced on or after the effective date of this Act.

An action that is commenced before the effective date of this Act is

1 governed by the law applicable to the action immediately before the  
2 effective date of this Act, and that law is continued in effect for  
3 that purpose.

4         SECTION 3. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2009.