

By: Huffman

S.B. No. 827

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the transfer of civil cases by the judicial panel on
3 multidistrict litigation.

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

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

7 Sec. 74.162. TRANSFER OF CASES BY PANEL. Subject to Section
8 74.1625 and notwithstanding [~~Notwithstanding~~] any other law [~~to the~~
9 ~~contrary~~], the judicial panel on multidistrict litigation may
10 transfer civil actions involving one or more common questions of
11 fact pending in the same or different constitutional courts, county
12 courts at law, probate courts, or district courts to any district
13 court for consolidated or coordinated pretrial proceedings,
14 including summary judgment or other dispositive motions, but not
15 for trial on the merits. A transfer may be made by the judicial
16 panel on multidistrict litigation on its determination that the
17 transfer will:

18 (1) be for the convenience of the parties and
19 witnesses; and

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

22 SECTION 2. Subchapter H, Chapter 74, Government Code, is
23 amended by adding Section 74.1625 to read as follows:

24 Sec. 74.1625. PROHIBITED TRANSFER OF CASES.

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

3 (1) an action brought under Subchapter E, Chapter 17,
4 Business & Commerce Code, except an action specifically authorized
5 by Section 17.50 of that code; or

6 (2) an action brought under Chapter 36, Human
7 Resources Code.

8 (b) Notwithstanding Section 22.004, the supreme court may
9 not amend or adopt rules in conflict with this section.

10 SECTION 3. The changes in law made by this Act apply to an
11 action commenced on or after the effective date of this Act, or
12 pending on that date, and for which the trial, or any new trial or
13 retrial following a motion, appeal, or otherwise, begins on or
14 after that date.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2019.