87R7347 ANG-F

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 witnesses; and

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

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

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

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

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

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

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