

## **BILL ANALYSIS**

Senate Research Center  
79R18237 AJA-D

C.S.H.B. 1294  
By: Rose (Williams)  
State Affairs  
5/20/2005

Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Section 51.014, Civil Practice and Remedies Code, authorizes an appeal of an interlocutory trial court order presenting a controlling question of law if an immediate appeal from the order may materially advance the ultimate termination of the litigation. The statute requires agreement of the parties before the appeal can be taken and before a stay pending appeal can be imposed. Texas courts of appeals have shown confusion about the procedure for taking a permissive appeal under Section 51.014.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 51.014(d) and (e), Civil Practice and Remedies Code, as follows:

(d) Authorizes a county court at law or county court to issue a written order for interlocutory appeal in a civil action if not otherwise appealable under this section if certain conditions exist.

(e) Provides that appeal under Subsection (d) does not stay proceedings in a trial, rather than district, court unless the parties agree and the trial court, the court of appeals, or a judge of the court of appeals orders a stay of the proceedings.

SECTION 2. Repealer: Section 51.041(f) (Appeal From Interlocutory Order), Civil Practice and Remedies Code.

SECTION 3. (a) Provides that the change in law made by this Act applies to an action filed before, on, or after the effective date of this Act, except as provided by this section.

(b) Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2005.