

1-1 By: Guerra (Senate Sponsor - Hughes) H.B. No. 3129  
 1-2 (In the Senate - Received from the House May 3, 2023;  
 1-3 May 5, 2023, read first time and referred to Committee on  
 1-4 Jurisprudence; May 19, 2023, reported adversely, with favorable  
 1-5 Committee Substitute by the following vote: Yeas 4, Nays 1;  
 1-6 May 19, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hughes	X			
1-9 Johnson		X		
1-10 Creighton	X			
1-11 Hinojosa	X			
1-12 Middleton	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 3129 By: Hughes

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to redesignation of certain provisions describing court  
 1-18 orders eligible for an interlocutory appeal and a stay of  
 1-19 proceedings pending certain interlocutory appeals.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 51.014(a), Civil Practice and Remedies  
 1-22 Code, as amended by Chapters 167 (S.B. 232), 528 (S.B. 6), and 813  
 1-23 (H.B. 2086), Acts of the 87th Legislature, Regular Session, 2021,  
 1-24 is reenacted and amended to read as follows:

1-25 (a) A person may appeal from an interlocutory order of a  
 1-26 district court, county court at law, statutory probate court, or  
 1-27 county court that:

1-28 (1) appoints a receiver or trustee;

1-29 (2) overrules a motion to vacate an order that  
 1-30 appoints a receiver or trustee;

1-31 (3) certifies or refuses to certify a class in a suit  
 1-32 brought under Rule 42 of the Texas Rules of Civil Procedure;

1-33 (4) grants or refuses a temporary injunction or grants  
 1-34 or overrules a motion to dissolve a temporary injunction as  
 1-35 provided by Chapter 65;

1-36 (5) denies a motion for summary judgment that is based  
 1-37 on an assertion of immunity by an individual who is an officer or  
 1-38 employee of the state or a political subdivision of the state;

1-39 (6) denies a motion for summary judgment that is based  
 1-40 in whole or in part upon a claim against or defense by a member of  
 1-41 the electronic or print media, acting in such capacity, or a person  
 1-42 whose communication appears in or is published by the electronic or  
 1-43 print media, arising under the free speech or free press clause of  
 1-44 the First Amendment to the United States Constitution, or Article  
 1-45 I, Section 8, of the Texas Constitution, or Chapter 73;

1-46 (7) grants or denies the special appearance of a  
 1-47 defendant under Rule 120a, Texas Rules of Civil Procedure, except  
 1-48 in a suit brought under the Family Code;

1-49 (8) grants or denies a plea to the jurisdiction by a  
 1-50 governmental unit as that term is defined in Section 101.001;

1-51 (9) denies all or part of the relief sought by a motion  
 1-52 under Section 74.351(b), except that an appeal may not be taken from  
 1-53 an order granting an extension under Section 74.351;

1-54 (10) grants relief sought by a motion under Section  
 1-55 74.351(1);

1-56 (11) denies a motion to dismiss filed under Section  
 1-57 90.007;

1-58 (12) denies a motion to dismiss filed under Section  
 1-59 27.003;

1-60 (13) denies a motion for summary judgment filed by an

2-1 electric utility regarding liability in a suit subject to Section  
2-2 75.0022;

2-3 (14) denies a motion filed by a municipality with a  
2-4 population of 500,000 or more in an action filed under Section  
2-5 54.012(6) or 214.0012, Local Government Code; [~~or~~]

2-6 (15) makes a preliminary determination on a claim  
2-7 under Section 74.353;

2-8 (16) [~~(15)~~] overrules an objection filed under  
2-9 Section 148.003(d) or denies all or part of the relief sought by a  
2-10 motion under Section 148.003(f); or

2-11 (17) [~~(15)~~] grants or denies a motion for summary  
2-12 judgment filed by a contractor based on Section 97.002.

2-13 SECTION 2. Section 51.014, Civil Practice and Remedies  
2-14 Code, is amended by amending Subsection (b) and adding Subsections  
2-15 (c-1) and (c-2) to read as follows:

2-16 (b) An interlocutory appeal under Subsection (a), other  
2-17 than an appeal under Subsection (a)(4) or in a suit brought under  
2-18 the Family Code, stays the commencement of a trial in the trial  
2-19 court pending resolution of the appeal. An interlocutory appeal  
2-20 under Subsection (a)(3), (5), or (8) [~~, or (12)~~] also stays all other  
2-21 proceedings in the trial court pending resolution of that appeal.  
2-22 An interlocutory appeal under Subsection (a)(12) stays  
2-23 commencement of a trial and other proceedings in the trial court as  
2-24 provided by Subsection (c-1).

2-25 (c-1) A denial of a motion to dismiss described by  
2-26 Subsection (a)(12):

2-27 (1) stays commencement of a trial and other  
2-28 proceedings in the trial court until the 61st day after the date the  
2-29 order denying the motion is signed if the order denying the motion  
2-30 states the motion was:

2-31 (A) denied as not timely filed under Section  
2-32 27.003(b);

2-33 (B) denied because the action is exempt under a  
2-34 specified subdivision of Section 27.010(a); or

2-35 (C) determined to be frivolous or solely intended  
2-36 to delay under Section 27.009(b); or

2-37 (2) stays commencement of a trial and other  
2-38 proceedings in the trial court pending resolution of the appeal if  
2-39 the motion was denied for a reason not provided by Subdivision (1)  
2-40 or the order does not state a reason for denying the motion.

2-41 (c-2) For a denial of a motion to dismiss to which  
2-42 Subsection (c-1)(1) applies, the court of appeals in which the  
2-43 appeal from the order denying the motion to dismiss is filed may  
2-44 stay commencement of trial and other proceedings in the trial court  
2-45 on a determination that the appellant is likely to succeed on the  
2-46 merits or in the interest of justice.

2-47 SECTION 3. The change in law made by this Act applies only  
2-48 to the denial of a motion to dismiss ordered on or after the  
2-49 effective date of this Act. A denial of a motion to dismiss ordered  
2-50 before the effective date of this Act is governed by the law  
2-51 applicable to the denial immediately before the effective date of  
2-52 this Act, and that law is continued in effect for that purpose.

2-53 SECTION 4. This Act takes effect September 1, 2023.

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