

1-1 By: Rose, Cook of Navarro H.B. No. 1294  
1-2 (Senate Sponsor - Williams)  
1-3 (In the Senate - Received from the House May 16, 2005;  
1-4 May 17, 2005, read first time and referred to Committee on State  
1-5 Affairs; May 20, 2005, reported adversely, with favorable  
1-6 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-7 May 20, 2005, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 1294 By: Williams

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to interlocutory appeals.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 51.014, Civil Practice and Remedies  
1-14 Code, is amended by amending Subsections (d) and (e) to read as  
1-15 follows:

1-16 (d) A district court, county court at law, or county court  
1-17 may issue a written order for interlocutory appeal in a civil action  
1-18 not otherwise appealable under this section if:

1-19 (1) the parties agree that the order involves a  
1-20 controlling question of law as to which there is a substantial  
1-21 ground for difference of opinion;

1-22 (2) an immediate appeal from the order may materially  
1-23 advance the ultimate termination of the litigation; and

1-24 (3) the parties agree to the order.

1-25 (e) An appeal under Subsection (d) does not stay proceedings  
1-26 in the trial [~~district~~] court unless the parties agree and the trial  
1-27 court [~~the district court~~], the court of appeals, or a judge of the  
1-28 court of appeals orders a stay of the proceedings.

1-29 SECTION 2. Section 51.014(f), Civil Practice and Remedies  
1-30 Code, is repealed.

1-31 SECTION 3. (a) Except as provided by this section, the  
1-32 change in law made by this Act applies to an action filed before,  
1-33 on, or after the effective date of this Act.

1-34 (b) The change in law made by this Act does not apply to an  
1-35 interlocutory order issued under Section 51.014, Civil Practice and  
1-36 Remedies Code, before the effective date of this Act. An  
1-37 interlocutory order issued under that section before the effective  
1-38 date of this Act is governed by the law in effect immediately before  
1-39 that date, and that law is continued in effect for that purpose.

1-40 SECTION 4. This Act takes effect immediately if it receives  
1-41 a vote of two-thirds of all the members elected to each house, as  
1-42 provided by Section 39, Article III, Texas Constitution. If this  
1-43 Act does not receive the vote necessary for immediate effect, this  
1-44 Act takes effect September 1, 2005.

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