

1-1 By: Hunter (Senate Sponsor - Ellis) H.B. No. 2935
 1-2 (In the Senate - Received from the House May 6, 2013;
 1-3 May 7, 2013, read first time and referred to Committee on State
 1-4 Affairs; May 14, 2013, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 14, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the interlocutory appeal of a denial of a motion to
 1-20 dismiss in an action involving the exercise of certain
 1-21 constitutional rights.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Sections 51.014(a) and (b), Civil Practice and
 1-24 Remedies Code, are 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, or county court that:

1-27 (1) appoints a receiver or trustee;

1-28 (2) overrules a motion to vacate an order that
 1-29 appoints a receiver or trustee;

1-30 (3) certifies or refuses to certify a class in a suit
 1-31 brought under Rule 42 of the Texas Rules of Civil Procedure;

1-32 (4) grants or refuses a temporary injunction or grants
 1-33 or overrules a motion to dissolve a temporary injunction as
 1-34 provided by Chapter 65;

1-35 (5) denies a motion for summary judgment that is based
 1-36 on an assertion of immunity by an individual who is an officer or
 1-37 employee of the state or a political subdivision of the state;

1-38 (6) denies a motion for summary judgment that is based
 1-39 in whole or in part upon a claim against or defense by a member of
 1-40 the electronic or print media, acting in such capacity, or a person
 1-41 whose communication appears in or is published by the electronic or
 1-42 print media, arising under the free speech or free press clause of
 1-43 the First Amendment to the United States Constitution, or Article
 1-44 I, Section 8, of the Texas Constitution, or Chapter 73;

1-45 (7) grants or denies the special appearance of a
 1-46 defendant under Rule 120a, Texas Rules of Civil Procedure, except
 1-47 in a suit brought under the Family Code;

1-48 (8) grants or denies a plea to the jurisdiction by a
 1-49 governmental unit as that term is defined in Section 101.001;

1-50 (9) denies all or part of the relief sought by a motion
 1-51 under Section 74.351(b), except that an appeal may not be taken from
 1-52 an order granting an extension under Section 74.351;

1-53 (10) grants relief sought by a motion under Section
 1-54 74.351(1); ~~[or]~~

1-55 (11) denies a motion to dismiss filed under Section
 1-56 90.007; or

1-57 (12) denies a motion to dismiss filed under Section
 1-58 27.003.

1-59 (b) An interlocutory appeal under Subsection (a), other
 1-60 than an appeal under Subsection (a)(4), stays the commencement of a
 1-61 trial in the trial court pending resolution of the appeal. An

2-1 interlocutory appeal under Subsection (a)(3), (5), [~~or~~] (8), or
2-2 (12) also stays all other proceedings in the trial court pending
2-3 resolution of that appeal.

2-4 SECTION 2. Section 27.008(c), Civil Practice and Remedies
2-5 Code, is repealed.

2-6 SECTION 3. This Act takes effect immediately if it receives
2-7 a vote of two-thirds of all the members elected to each house, as
2-8 provided by Section 39, Article III, Texas Constitution. If this
2-9 Act does not receive the vote necessary for immediate effect, this
2-10 Act takes effect September 1, 2013.

2-11

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