

SENATE AMENDMENTS

2nd Printing

By: Morales of Maverick

H.B. No. 2086

A BILL TO BE ENTITLED

1 AN ACT

2 relating to appeals from an interlocutory order denying a motion
3 for summary judgment by certain contractors.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 51.014(a), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (a) A person may appeal from an interlocutory order of a
8 district court, county court at law, statutory probate court, or
9 county court that:

10 (1) appoints a receiver or trustee;

11 (2) overrules a motion to vacate an order that
12 appoints a receiver or trustee;

13 (3) certifies or refuses to certify a class in a suit
14 brought under Rule 42 of the Texas Rules of Civil Procedure;

15 (4) grants or refuses a temporary injunction or grants
16 or overrules a motion to dissolve a temporary injunction as
17 provided by Chapter 65;

18 (5) denies a motion for summary judgment that is based
19 on an assertion of immunity by an individual who is an officer or
20 employee of the state or a political subdivision of the state;

21 (6) denies a motion for summary judgment that is based
22 in whole or in part upon a claim against or defense by a member of
23 the electronic or print media, acting in such capacity, or a person
24 whose communication appears in or is published by the electronic or

1 print media, arising under the free speech or free press clause of
2 the First Amendment to the United States Constitution, or Article
3 I, Section 8, of the Texas Constitution, or Chapter 73;

4 (7) grants or denies the special appearance of a
5 defendant under Rule 120a, Texas Rules of Civil Procedure, except
6 in a suit brought under the Family Code;

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

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

12 (10) grants relief sought by a motion under Section
13 74.351(1);

14 (11) denies a motion to dismiss filed under Section
15 90.007;

16 (12) denies a motion to dismiss filed under Section
17 27.003;

18 (13) denies a motion for summary judgment filed by an
19 electric utility regarding liability in a suit subject to Section
20 75.0022; ~~[or]~~

21 (14) denies a motion filed by a municipality with a
22 population of 500,000 or more in an action filed under Section
23 54.012(6) or 214.0012, Local Government Code; or

24 (15) denies a motion for summary judgment filed by a
25 contractor based on Section 97.002.

26 SECTION 2. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 2086

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2021.

ADOPTED

VV
MAY 20 2021

FLOOR AMENDMENT NO. 1

BY:

Bryan Hughes

Lacey Spaw
Secretary of the Senate

1 Amend H.B. 2086 (senate committee printing) in SECTION 1 of
2 the bill, amending Section 51.014(a), Civil Practice and Remedies
3 Code (page 2, line 4), by inserting "grants or" between "(15)" and
4 "denies".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 24, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2086 by Morales, Eddie (Relating to appeals from an interlocutory order denying a motion for summary judgment by certain contractors.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, LBO, AAL, BH, SLE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 12, 2021

TO: Honorable Robert Nichols, Chair, Senate Committee on Transportation

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2086 by Morales, Eddie (Relating to appeals from an interlocutory order denying a motion for summary judgment by certain contractors.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to provide that a person may appeal the interlocutory order from certain courts that denies a motion for summary judgment filed by a contractor based on Civil Practice and Remedies Code Section 97.002 (limit on liability of certain highway, road, and street contractors).

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, AAL, BH, SLE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 2, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2086 by Morales, Eddie (Relating to appeals from an interlocutory order denying a motion for summary judgment by certain contractors.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to provide that a person may appeal the interlocutory order from certain courts that denies a motion for summary judgment filed by a contractor based on Civil Practice and Remedies Code Section 97.002 (limit on liability of certain highway, road, and street contractors).

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