

1 AN ACT

2 relating to interlocutory appeals.

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

4 SECTION 1. Section 51.014, Civil Practice and Remedies
5 Code, is amended by amending Subsections (d) and (e) to read as
6 follows:

7 (d) A district court, county court at law, or county court
8 may issue a written order for interlocutory appeal in a civil action
9 not otherwise appealable under this section if:

10 (1) the parties agree that the order involves a
11 controlling question of law as to which there is a substantial
12 ground for difference of opinion;

13 (2) an immediate appeal from the order may materially
14 advance the ultimate termination of the litigation; and

15 (3) the parties agree to the order.

16 (e) An appeal under Subsection (d) does not stay proceedings
17 in the trial [~~district~~] court unless the parties agree and the trial
18 court [~~the district court~~], the court of appeals, or a judge of the
19 court of appeals orders a stay of the proceedings.

20 SECTION 2. Section 51.014(f), Civil Practice and Remedies
21 Code, is repealed.

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

1 (b) The change in law made by this Act does not apply to an
2 interlocutory order issued under Section 51.014, Civil Practice and
3 Remedies Code, before the effective date of this Act. An
4 interlocutory order issued under that section before the effective
5 date of this Act is governed by the law in effect immediately before
6 that date, and that law is continued in effect for that purpose.

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

David Beckwith

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 1294 was passed by the House on May 13, 2005, by the following vote: Yeas 83, Nays 56, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1294 on May 27, 2005, by the following vote: Yeas 111, Nays 30, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1294 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Latey Spaw

Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:20 PM CLOCK

Roger Williams
JUN 18 2005
Secretary of State