

## **BILL ANALYSIS**

Senate Research Center  
76R8182 DLF-D

H.B. 1991  
By: Dunnam (Sibley)  
Economic Development  
5/14/1999  
Engrossed

### **DIGEST**

Arbitration in Texas may be governed by the Texas Arbitration Act (TAA), the Federal Arbitration Act (FAA), or a combination of the two. While a party who is denied arbitration under an agreement that incorporates TAA may file an interlocutory appeal, there is no similar right to file an interlocutory appeal of a denial of an agreement under FAA. Therefore, appeals of decisions that incorporate both Acts must follow two tracks: an appeal in state court and a separate request for a writ of mandamus in federal court. H.B. 1991 amends the Civil Practice and Remedies Code to remove the provisions for appeal under Chapter 171 (Arbitration), making the appeal of decisions during the arbitration process the same under both federal and Texas law.

### **PURPOSE**

As proposed, H.B. 1991 repeals Section 171.098, Civil Practice Remedies, relating to appeal of certain court orders and judgments relating to arbitration.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency..

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Repealer: Section 171.098, Civil Practice and Remedies Code (Appeal).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.