

BILL ANALYSIS

Senate Research Center
85R7868 AJA-F

H.B. 2776
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State Affairs
5/17/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently when a plaintiff sues the state, the Texas Rules of Appellate Procedure (TRAP) allow the state to supersede a judgment while an appeal is pending. Certain courts will allow a plaintiff to counter-supersede with a minimal bond, allowing the injunction to remain in place while additional appeals are pending, even if the state wins an appeal at another court proceeding.

H.B. 2776 directs the Texas Supreme Court to amend TRAP to clarify that the state's right to supersede the judgment or order cannot be overcome by counter-supersedes.

H.B. 2776 amends current law relating to the right of certain appellants to supersede a judgment or order on appeal.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Supreme Court in SECTION 1 (Section 22.004, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.004, Government Code, by adding Subsection (i), as follows:

(i) Requires the Texas Supreme Court (supreme court) to adopt rules to provide that the right of an appellant under Sections 6.001(b)(1) (relating to the state's exemption from the bond requirements), (2) (relating to a state department's exemption from the bond requirements), or (3) (relating to a state department head's exemption from the bond requirements), Civil Practice and Remedies Code, to supersede a judgment or order on appeal is not subject to being counter-superseded under Rule 24.2(a)(3), Texas Rules of Appellate Procedure, or any other rule.

SECTION 2. Requires the supreme court to adopt the rules required by Section 22.004(i), Government Code, as added by this Act, before May 1, 2018.

SECTION 3. Effective date: September 1, 2017.