

1-1 By: Smithee (Senate Sponsor - Hughes) H.B. No. 1761  
 1-2 (In the Senate - Received from the House April 24, 2017;  
 1-3 May 1, 2017, read first time and referred to Committee on State  
 1-4 Affairs; May 8, 2017, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 8, 2017, 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 jurisdiction of the Texas Supreme Court.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. Sections 22.001(a), (b), and (c), Government  
 1-22 Code, are amended to read as follows:  
 1-23 (a) The supreme court has appellate jurisdiction, except in  
 1-24 criminal law matters, of an ~~[coextensive with the limits of the~~  
 1-25 ~~state and extending to all questions of law arising in the following~~  
 1-26 ~~cases when they have been brought to the courts of appeals from]~~  
 1-27 appealable order or judgment of the trial courts if the court  
 1-28 determines that the appeal presents a question~~+~~  
 1-29 ~~[(1) a case in which the justices of a court of appeals~~  
 1-30 ~~disagree on a question of law material to the decision;~~  
 1-31 ~~[(2) a case in which one of the courts of appeals holds~~  
 1-32 ~~differently from a prior decision of another court of appeals or of~~  
 1-33 ~~the supreme court on a question of law material to a decision of the~~  
 1-34 ~~case;~~  
 1-35 ~~[(3) a case involving the construction or validity of~~  
 1-36 ~~a statute necessary to a determination of the case;~~  
 1-37 ~~[(4) a case involving state revenue;~~  
 1-38 ~~[(5) a case in which the railroad commission is a~~  
 1-39 ~~party; and~~  
 1-40 ~~[(6) any other case in which it appears that an error]~~  
 1-41 ~~of law [has been committed by the court of appeals, and] that~~  
 1-42 ~~[error] is important [of such importance] to the jurisprudence of~~  
 1-43 ~~the state. The supreme court's jurisdiction does not include~~  
 1-44 ~~[that, in the opinion of the supreme court, it requires correction,~~  
 1-45 ~~but excluding those] cases in which the jurisdiction of the court of~~  
 1-46 ~~appeals is made final by statute.~~  
 1-47 (b) A case over which the court has jurisdiction under  
 1-48 Subsection (a) may be carried to the supreme court ~~[either]~~ by  
 1-49 petition for review ~~[writ of error or by certificate from the court~~  
 1-50 ~~of appeals, but the court of appeals may certify a question of law~~  
 1-51 ~~arising in any of those cases at any time it chooses, either before~~  
 1-52 ~~or after the decision of the case in that court].~~  
 1-53 (c) Except as provided by this subsection, an appeal may be  
 1-54 taken to the supreme court only if the appeal was first brought to  
 1-55 the court of appeals. An appeal may be taken directly to the  
 1-56 supreme court from an order of a trial court granting or denying an  
 1-57 interlocutory or permanent injunction on the ground of the  
 1-58 constitutionality of a statute of this state. ~~[It is the duty of~~  
 1-59 ~~the supreme court to prescribe the necessary rules of procedure to~~  
 1-60 ~~be followed in perfecting the appeal.]~~  
 1-61 SECTION 2. The heading to Section 22.007, Government Code,

2-1 is amended to read as follows:

2-2 Sec. 22.007. PETITION FOR REVIEW [~~APPLICATION FOR WRIT OF~~  
2-3 ~~ERROR~~].

2-4 SECTION 3. Sections 22.007(a) and (e), Government Code, are  
2-5 amended to read as follows:

2-6 (a) The supreme court may act on petitions for review  
2-7 [~~applications for writs of error~~] when the court deems it  
2-8 expedient. [~~The supreme court shall pass on an application for writ~~  
2-9 ~~of error in a case in which the justices of the courts of appeals~~  
2-10 ~~have disagreed or have declared void a statute of the state.~~]

2-11 (e) The granting of a petition for review [~~an application~~  
2-12 ~~for writ of error~~] admits the case into the supreme court, and the  
2-13 supreme court shall proceed with the case as provided by law. The  
2-14 denial [~~refusal~~] or dismissal of a petition for review [~~an~~  
2-15 ~~application~~] has the effect of denying the admission of the case  
2-16 into the supreme court, except that a motion for rehearing may be  
2-17 made [~~to the designated justices~~] in the same manner that a motion  
2-18 for rehearing to the supreme court is made in a case in which the  
2-19 court granted review. The denial or dismissal of a petition for  
2-20 review may [~~refusal or dismissal of an application shall~~] not be  
2-21 regarded as a precedent or authority.

2-22 SECTION 4. The following provisions of the Government Code  
2-23 are repealed:

- 2-24 (1) Section 22.001(e);
- 2-25 (2) Sections 22.007(b), (c), (d), (f), and (g); and
- 2-26 (3) Sections 22.225(b), (c), (d), and (e).

2-27 SECTION 5. The repeal of Section 22.225(d), Government  
2-28 Code, applies only to an interlocutory order rendered on or after  
2-29 the effective date of this Act. An interlocutory order rendered  
2-30 before the effective date of this Act is governed by the law  
2-31 applicable to the order immediately before the effective date of  
2-32 this Act, and that law is continued in effect for that purpose.

2-33 SECTION 6. This Act takes effect September 1, 2017.

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