

House Bill 1761
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Sections 22.001(a), (b), and (c), Government Code, are amended to read as follows:

(a) The supreme court has appellate jurisdiction, except in criminal law matters, ~~of an [coextensive with the limits of the state and extending to all questions of law arising in the following cases when they have been brought to the courts of appeals from]~~ appealable order or judgment of the trial courts if the court determines that the appeal presents a question[:

~~[(1) a case in which the justices of a court of appeals disagree on a question of law material to the decision;~~

~~[(2) a case in which one of the courts of appeals holds differently from a prior decision of another court of appeals or of the supreme court on a question of law material to a decision of the case;~~

~~[(3) a case involving the construction or validity of a statute necessary to a determination of the case;~~

~~[(4) a case involving state revenue;~~

~~[(5) a case in which the railroad commission is a party; and~~

~~[(6) any other case in which it appears that an error] of law [has been committed by the court of appeals, and] that [error] is important [of such importance] to the jurisprudence of the state. The supreme court's jurisdiction does not include [that, in the opinion of the supreme court, it requires correction, but excluding those] cases in which the jurisdiction of the court of appeals is made final by statute.~~

(b) A case over which the court has jurisdiction under Subsection (a) may be carried to the supreme court ~~[either] by petition for review [writ of error or by certificate from the court of appeals, but the court of appeals may certify a question of law arising in any of those cases at any time it chooses, either before or after the decision of the case in that court].~~

SENATE VERSION (IE)

SECTION 1. Sections 22.001(a), (b), and (c), Government Code, are amended to read as follows:

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~~[(1) a case in which the justices of a court of appeals disagree on a question of law material to the decision;~~

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~~[(3) a case involving the construction or validity of a statute necessary to a determination of the case;~~

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~~[(6) any other case in which it appears that an error] of law [has been committed by the court of appeals, and] that [error] is important [of such importance] to the jurisprudence of the state. The supreme court's jurisdiction does not include [that, in the opinion of the supreme court, it requires correction, but excluding those] cases in which the jurisdiction of the court of appeals is made final by statute.~~

(b) A case over which the court has jurisdiction under Subsection (a) may be carried to the supreme court ~~[either] by petition for review [writ of error or by certificate from the court of appeals, but the court of appeals may certify a question of law arising in any of those cases at any time it chooses, either before or after the decision of the case in that court].~~

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(c) Except as provided by this subsection, an appeal may be taken to the supreme court only if the appeal was first brought to the court of appeals. An appeal may be taken directly to the supreme court from an order of a trial court granting or denying an interlocutory or permanent injunction on the ground of the constitutionality of a statute of this state. ~~[It is the duty of the supreme court to prescribe the necessary rules of procedure to be followed in perfecting the appeal.]~~

SECTION 2. The heading to Section 22.007, Government Code, is amended to read as follows:

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

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

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

(e) The granting of a petition for review ~~[an application for writ of error]~~ admits the case into the supreme court, and the supreme court shall proceed with the case as provided by law. The denial ~~[refusal]~~ or dismissal of a petition for review ~~[an application]~~ has the effect of denying the admission of the case into the supreme court, except that a motion for rehearing may be made ~~[to the designated justices-]~~ in the same manner that a motion for rehearing to the supreme court is made in a case in which the court granted review. The denial or

SENATE VERSION (IE)

(c) Except as provided by this subsection or other law, an appeal may be taken to the supreme court only if the appeal was first brought to the court of appeals. An appeal may be taken directly to the supreme court from an order of a trial court granting or denying an interlocutory or permanent injunction on the ground of the constitutionality of a statute of this state. ~~[It is the duty of the supreme court to prescribe the necessary rules of procedure to be followed in perfecting the appeal.]~~ [FA1(1)]

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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~~dismissal of a petition for review may [refusal or dismissal of an application shall]~~ not be regarded as a precedent or authority.

SECTION 4. The following provisions of the Government Code are repealed:
(1) Section 22.001(e);
(2) Sections 22.007(b), (c), (d), (f), and (g); and
(3) Sections 22.225(b), (c), (d), and (e).

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

SECTION 6. This Act takes effect September 1, 2017.

SECTION 4. Same as House version.

SECTION 5. The repeal of Section 22.225(d), Government Code, applies only to an interlocutory order **signed** on or after the effective date of this Act. An interlocutory order **signed** before the effective date of this Act is governed by the law applicable to the order immediately before the effective date of this Act, and that law is continued in effect for that purpose.
[FA1(2)]

SECTION 6. Same as House version.