

CHAPTER 296

S.B. No. 286

An Act relating to cases transferred from one court of appeals to another by the supreme court; amending Article 1738, Revised Statutes, as amended.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 1738, Revised Statutes, as amended, is amended to read as follows:
“Article 1738. TRANSFER OF CAUSES. The Supreme Court may, at any time, order cases transferred from one Court of Appeals to another, when, in the opinion of the Supreme Court, there is good cause for such transfer. And the Courts of Appeals to which such cases shall be transferred shall have jurisdiction over all such cases so transferred, without regard to the District in which the cases were originally tried and returnable upon appeal. *Except as otherwise provided by this article,* ~~Provided that~~ the Justices of the Court to which such cases are transferred shall, after due notice to the parties or their counsel, hear oral argument on such cases at the place from which the cases have been originally transferred. All opinions, orders and decisions in such transferred cases shall be delivered, entered and rendered at the place where the Court to which such cases are transferred regularly sits as the law provides. The actual and necessary travelling and living expenses of the Justices of said Courts in hearing oral arguments at the place from which such cases are transferred shall be borne by the state, and for

payment thereof the Legislature shall make appropriation. If requested by all parties or their attorneys, a transferred case may be heard in the regular place of the court to which said case has been transferred. *If a case is transferred to a Court that regularly sits not more than 35 miles from the place the Court from which the case was transferred regularly sits, the Court, at the discretion of its Chief Justice and after notice to the parties or their counsel, may hear oral arguments at the place it regularly sits. For purposes of this article, the place where a Court of Appeals regularly sits is that specified in Article 1817, Revised Statutes, and the mileage between the places is that determined by the comptroller under Subsection C, Section 6, Travel Regulations Act of 1959 (Article 6823a, Vernon's Texas Civil Statutes).*"

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 25, 1985, by the following vote: Yeas 30, Nays 0;
passed the House on May 17, 1985, by a non-record vote.

Approved: June 7, 1985

Effective: August 26, 1985