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2017 LEGISLATIVE UPDATE

Karen M. Kennard
GreenbergTraurig
300 West 6th Street
Suite 2050
Austin, Texas 78701
kennardk@gtlaw.com
512.320.7200

2017 Legislative Update

UT School of Law Advanced Administrative Law Conference

INTRODUCTION

The 85th Texas legislative session was filled with many interesting and contentious issues. The session began with the Governor, Lt. Governor, and Speaker of the House providing a list of priority legislation that each wanted to pass during the 140 day session. There was some overlap among issues that legislative leaders presented as priority issues for the session.

Texas Governor Greg Abbott identified four (4) issues as emergency items that could be taken up and adopted during the first sixty (60) days of the legislative session. The emergency items eligible for expedited consideration included (1) overhauling the state's beleaguered child welfare system, (2) banning "sanctuary" cities; (3) ethics reform; and (4) asking the United States Congress to convene a Convention of States to review potential amendments to the United States Constitution. Although these issues were eligible for fast track consideration, none of them were adopted during the first sixty (60) days of the session. All of the bills were adopted except for legislation relating to ethics reform.

Lt. Governor Dan Patrick also released a top ten (10) list of 2017 priority legislation. Those items included: (1) Budget ; (2) Property Tax Reform; (3) School Choice; (4) Sanctuary Cities; (5) Voter ID ; (6) Women's Privacy Act - Bathroom

Bill; (7) Inappropriate Teacher-Student Relationships; (8) Fetal Tissue/Partial Birth Abortion; (9) Spending Cap; (10) Hailstorm Lawsuit Reform . Later on in the legislative session, the Lt, Governor added twenty (20) additional priority issues to this list of priorities. All thirty priorities passed out of the Senate however, several of the initiatives were not adopted by the House. Many of the Lt. Governor's priority initiatives will be considered in a Special Legislative Session.

House Speaker Joe Straus listed three (3) items as his priorities for the legislative session. Those items included (1) balancing the state budget in a difficult economic climate because of significant reductions in oil and gas revenues; (2) revamping the School Finance System; and (3) revising the state's child welfare/foster care system. A majority of these priority items were adopted.

Even with the list of priority items from the Governor, Lt. Governor, and Speaker of the House taking center stage during the legislative session, many members of the legislature also focused on passing their own legislative agendas. The Texas Legislative Library reports that over 6600 bills were filed and at the conclusion of the regular legislative session on May 29, 2017 over 1200 bills were passed. The Governor vetoed 50 bills adopted during the legislative session

This paper reviews a few of the new legislative enactments of interest to administrative law practitioners.

SUNSET BILLS AND STATE AGENCY LEGISLATION

Texas law requires that all state agencies, on a rotating basis, undergo a thorough review every twelve years to determine whether or not the agency should be continued. The Texas Sunset Commission is a legislative agency that is charged with reviewing state agencies and making recommendation on whether the agency should be continued or abolished. Each state agency is reviewed to "assess the effectiveness and performance of the agency". The recommendations of the Sunset Commission are turned into legislation that the legislature considers

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