



# 2023 Legislative Update

## 88<sup>th</sup> Regular Session

Sara J. Ferris, Assistant Attorney General  
Environmental Protection Division

Katherine H. Farrell, Secretary to the Board of Trustees  
Teachers Retirement System

Views expressed are those of the presenters, do not constitute legal advice,  
and are not official opinions of the Office of the Texas Attorney General.



## Fast Facts – 88<sup>th</sup> Regular Session

- ▶ 8,046 Bills filed (House and Senate)
- ▶ 1,246 Passed both houses
- ▶ 76 Vetoes (2nd highest on record)
- ▶ *Compare:* 87th RS
  - 6927 Total
  - 1073 Passed
  - 20 Vetoes



# Biggest Legislative Change (for Administrative Law)

3



## SB 1045: 15th Court of Appeals

- ▶ Exclusive jurisdiction:
  - Cases with the state, agency, or official as a party
    - Exceptions (*see* Tex. Gov't Code § 22.220(d))
  - Suits challenging validity or constitutionality of a statute, rule with the AG a party to the case
  - "any other matter as provided by law"
- ▶ Justices elected statewide except initial by appointment
- ▶ Chief + 3 Justices (First 3 years Chief + 2 Justices)
- ▶ Begins hearing cases Sept. 1, 2024
- ▶ Appeals filed on/after Sept. 1, 2023, transfer Sept. 1, 2024
- ▶ Limited mandamus power
- ▶ No docket balancing transfers out from 15th

4



## Procedure



## Procedure: Permissive Interlocutory Appeals

### SB 1603

- ▶ Tex. Civ. Prac. & Rem. Code § 51.014(g)-(h)
- ▶ For appeals under § 51.014(d)
- ▶ Requires court of appeals to state specific reason for finding appeal not warranted
- ▶ Authorizes de novo review of decision not to accept the appeal
  - If requirements satisfied, may direct the court of appeals to accept appeal

### Texas Rules of Appellate Procedure amended to implement 51.014(g)-(h)

- ▶ Repeals TRAP 28.2
  - Agreed Interlocutory Appeal
- ▶ Amends TRAP 28.3—adds (l)
- ▶ De novo review of the denial by Texas Supreme Court
  - Petition for Review

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: 2023 Legislative Update

Also available as part of the eCourse

[2023 Texas Administrative Law Legislative and Operational Updates](#)

First appeared as part of the conference materials for the  
18<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session  
"Legislative Update"