



2023 Legislative Update

88th 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.

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Fast Facts – 88th 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

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Biggest Legislative Change (for Administrative Law)



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



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

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