



# 2023 Legislative Update

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

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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)



## 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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