

LEGISLATIVE UPDATE:
SIGNIFICANT BILLS OF THE 82ND TEXAS LEGISLATURE, REGULAR SESSION
AFFECTING REAL ESTATE, LENDING
AND OTHER COMMERCIAL MATTERS



REAL ESTATE LEGISLATIVE AFFAIRS COMMITTEE
REAL ESTATE, PROBATE AND TRUST LAW SECTION
STATE BAR OF TEXAS
FINAL REPORT

JUNE 23, 2011

TABLE OF CONTENTS

I	INTRODUCTION	1
II.	EFFECTIVE DATES.....	1
III.	ACKNOWLEDGMENTS	1
IV	INTERNET RESOURCES.....	2
V.	SUMMARIES OF NEW LEGISLATION	3
	AGRICULTURE CODE	3
	Title 7. Soil and Water Conservation.....	3
	BUSINESS AND COMMERCE CODE	3
	Title 1. Uniform Commercial Code	3
	Title 2. Competition and Trade Practices	4
	Title 4. Business Opportunities and Agreements.....	5
	Title 5. Regulation of Businesses and Services	5
	BUSINESS ORGANIZATIONS CODE	6
	Title 1. General Provisions	7
	Title 2. Corporations	7
	Title 3. Limited Liability Companies.....	7
	CIVIL PRACTICE AND REMEDIES CODE.....	8
	Title 2. Trial, Judgment, and Appeal	8
	Title 4. Liability in Tort	9
	Title 6. Miscellaneous Provisions	10
	Title 7. Alternative Methods of Dispute Resolution.....	10
	CODE OF CRIMINAL PROCEDURE	10
	Title 1. Code of Criminal Procedure.....	10
	CONSTITUTION	12
	EDUCATION	13
	Title 3. Higher Education.....	13
	ELECTION CODE	13
	Title 5. Election Supplies.....	13
	FAMILY CODE	14
	Title 1. The Marriage Relationship.....	14
	FINANCE CODE	14
	Title 2. Financial Regulatory Agencies	14
	Title 3. Financial Institutions and Businesses.....	15
	Title 4. Regulation of Interest, Loans, and Financed Transactions	16
	Title 5. Protections of Consumers and Financial Services	17
	GOVERNMENT CODE.....	19
	Title 2. Judicial Branch	19
	Title 3. Legislative Branch.....	21
	Title 4. Executive Branch	21
	Title 5. Open Government; Ethics	25
	Title 6. Public Officers and Employees	26
	Title 7. Intergovernmental Relations	27
	Title 9. Public Securities	27
	Title 10. General Government	27

HEALTH AND SAFETY CODE.....	30
Title 5. Sanitation and Environmental Quality	30
Title 8. Death and Disposition of the Body	33
Title 9. Safety.....	34
INSURANCE CODE.....	34
Title 2. Texas Department of Insurance.....	34
Title 10. Property and Casualty Insurance.....	34
Title 11. Title Insurance.....	35
Title 12. Other Coverage.....	36
LOCAL GOVERNMENT CODE	36
Title 2. Organization of Municipal Government	36
Title 4. Finances.....	37
Title 5. Matters Affecting Public Officers and Employees.....	38
Title 7. Regulation of Land Use, Structures, Businesses, and Related Activities	38
Title 8. Acquisition, Sale, or Lease of Property.....	39
Title 9. Public Buildings and Grounds.....	41
Title 10. Parks and Other Recreational and Cultural Resources.....	41
Title 11. Public Safety.....	41
Title 12. Planning and Development	42
Title 13. Water and Utilities.....	43
NATURAL RESOURCES CODE	44
Title 2. Public Domain.....	44
Title 3. Oil and Gas.....	44
Title 4. Mines and Mining	45
Title 8. Acquisition of Resources.....	45
OCCUPATIONS CODE.....	46
Title 2. General Provisions Related to Licensing	46
Title 6. Regulation of Engineering, Architecture, Land Surveying, and Related Practices ..	46
Title 7. Practices and Professions Related to Real Property and Housing.....	46
Title 12. Practices and Trades Related to Water, Health, and Safety	48
PARKS AND WILDLIFE CODE	48
Title 2. Parks and Wildlife Department	48
Title 5. Wildlife and Plant Conservation	49
PENAL CODE.....	49
Title 7. Offenses Against Property.....	49
PROBATE CODE	50
Chapter I. General Provisions.....	50
Chapter VIII. Proceedings During Administration.....	50
Chapter XIII. Guardianship	50
PROPERTY CODE	51
Title 2. Conveyances.....	51
Title 3. Public Records.....	52
Title 4. Actions and Remedies.....	52
Title 5. Exempt Property and Liens	54
Title 6. Unclaimed Property.....	56
Title 7. Condominiums	57

Title 8. Landlord and Tenant	58
Title 9. Trusts	58
Title 11. Restrictive Covenants.....	59
TAX CODE	62
Title 1. Property Tax Code.....	62
Title 2. State Taxation.....	66
Title 3. Local Taxation.....	66
TRANSPORTATION CODE.....	68
Title 6. Roadways	68
Title 7. Vehicles and Traffic	72
UTILITIES CODE.....	73
Title 2. Public Utility Regulatory Act.....	73
Title 3. Gas Regulation	76
Title 5. Provisions Affecting the Operation of Utility Facilities	77
WATER CODE	77
Title 2. Water Administration.....	77
Title 4. General Law Districts.....	83
UNCODIFIED LEGISLATION.....	84
VI. COMMITTEE ROSTER	87
VII. INDEX OF BILLS	89

I. INTRODUCTION

This report is the final report of the Real Estate Legislative Affairs Committee of the Real Estate, Probate and Trust Law Section of the State Bar of Texas (“RELACs”). This report summarizes significant bills passed during the Regular Session of the 82nd Texas Legislature affecting real estate, mortgage lending, and other business and commercial issues of interest to Texas real estate law practitioners.

During the Session, Texans’ elected representatives introduced more than 6,200 bills. Among those bills, RELACs identified approximately 2,083 bills it believed, if passed, would be of general interest to practitioners of Texas real estate law. Of those bills identified, 307 actually passed into law and were chosen for inclusion in this report.

This report categorizes bill summaries by code in alphabetical order. Some bills may be broad enough in scope to justify placement under multiple codes and/or under multiple titles within a code; however, in the interest of brevity, each bill summary appears in this report only once, under the primarily affected code and title. Consequently, we encourage the reader to carefully review the entire report to ensure recognition of every bill of relevance to a particular topic.

Bill captions in this report are copied from the actual legislation. However, neither the bill caption nor RELACs’ general summary can address all relevant aspects of each bill. Rather, this report serves only to alert the reader to each bill’s general scope and effect. The reader must choose which bills, if any, merit closer scrutiny for their potential effect on his or her practice.

II. EFFECTIVE DATES

Pursuant to Section 39, Article III, of the Texas Constitution, the effective date of acts without specific effective dates (and without provisions for immediate effect) passed by the Legislature in regular session is ninety-one days after adjournment of the regular session. For the 82nd Legislature’s Regular Session this date is Monday, August 29, 2011. If, however, a bill has a provision for immediate effect and is passed by a two-thirds majority in each of the

House and Senate, then the bill becomes law immediately upon: (a) the date the Governor signs it, (b) the date the Governor files it with the Secretary of State (with neither signature nor veto), (c) in the absence of signing or filing, the date the deadline for gubernatorial action expires, or (d) if the Governor vetoes the bill, the date the Legislature overrides the veto.

To reduce the potential for confusion and uncertainty as to effective dates, this report states the earliest effective date for each summarized bill as reported by the Texas Legislative Service on its website. RELACs advises the reader to review these effective dates, in that a substantial number of bills included in this report have effective dates prior to August 29, 2011. Note as well that different portions of a bill may have different effective dates. The summaries in this report do not necessarily indicate all effective dates within a bill.

III. ACKNOWLEDGMENTS

RELACs is almost entirely dependent on volunteer efforts from members of the Texas real estate lawyers community. Without these lawyers’ collective efforts, this report would not be feasible. Each of these lawyers has given RELACs scores of hours he or she may have otherwise spent in countless different (and, most likely, less arduous) pursuits. The Bar is richer for their service. RELACs for the 82nd Texas Legislature is:

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IV. INTERNET RESOURCES

Bills from the 82nd Texas Legislature can be accessed at:

<http://www.capitol.state.tx.us>

Official Website of the Texas Legislature

Additionally, this report hyperlinks each bill summary to the final, enrolled version of the bill

as posted on the Texas Legislature's website. Simply click on the bill heading and the enrolled bill will appear in your web browser.

RELACs generally avoids summarizing bills that affect only a particular county or municipality (unless the county or municipality is a major urban center). Nevertheless, some bills in this report may be limited ("bracketed" in legislative parlance) to certain geographic areas in Texas by reference to municipality or county population and/or square miles contained in the county. The following websites are helpful in deciphering the bracketing system:

<http://www.tsl.state.tx.us/ref/abouttx/popcity32000.html> and
<http://quickfacts.census.gov/qfd/states/48/48029.html>

V. SUMMARIES OF NEW LEGISLATION

AGRICULTURE CODE

Title 7. Soil and Water Conservation

House Bill 1808

Relating to the continuation and functions of the State Soil and Water Conservation Board.

Amends Agriculture Code Chapters 201 and 203; Adds Agriculture Code Sections 201.0111 and 203.162; Repeals Agriculture Code Sections 201.0152, 201.152, 201.153, and 203.159.

Author: Cook Sponsor: Watson

Authorizes continuation of the Board for 12 years. Provides for qualifications of appointed members. Provides for rule making authority, including use of alternative dispute resolution. Expands Board's complaint system. Provides a system for grant administration. Adds water supply enhancement as a land improvement measure and incorporates brush control into water supply enhancement. Requires Board to adopt a state water supply enhancement plan. Provides for cost sharing of water supply enhancement plans proposed by individuals under certain conditions. Provides for a limited

review by the Sunset Advisory Commission for the 84th Legislature.

Effective Date: September 1, 2011

BUSINESS AND COMMERCE CODE

Title 1. Uniform Commercial Code

House Bill 2793

Relating to the processing fee charged for a dishonored payment device.

Amends Business & Commerce Code Section 3.506(b)

Author: Hunter Sponsor: Hinojosa

Changes the processing fee a holder of a dishonored payment device (e.g., a check or electronic payment) may charge the drawer or endorser from "a reasonable processing fee of \$30" to "a maximum processing fee of \$30".

Effective Date: September 1, 2011

Senate Bill 782

Relating to uniform law on secured transactions.

Amends Business & Commerce Code various sections; Adds Business & Commerce Code, Sections 9.801—9.809; Repeals Business & Commerce Code, Sections 11.101—11.108

Author: Carona Sponsor: Deshotel

(1) Makes numerous technical changes to the Uniform Commercial Code (UCC), Article—Secured Transactions (follows 2010 Amendments to UCC9 approved by the Uniform Law Commissioners). (2) Updates definitions and provisions relating to public records, electronic documentation and certificates of title. (3) Provides greater protection to a secured party with a security interest in after-acquired property when a debtor moves to another state. (4) Specifies how to provide the name of individual, corporate and other debtors on a financing statement. (5) Supplies transition provisions. (6) Repeals transition provisions from the 1973 amendments. (7) Contains other provisions.

Effective Date: July 1, 2013

Title 2. Competition and Trade Practices

Senate Bill 767

Relating to the regulation of certain residential mortgage foreclosure consulting services; providing a criminal penalty.

Adds Business & Commerce Code Chapter 21

Author: Ellis Sponsor: Alvarado

Requires that each contract for the purchase of the services of a foreclosure consultant by the owner of a residence must be in writing, dated and signed by each homeowner and foreclosure consultant. Outlines exemptions to the statute. Requires that a prescribed form of notice be given to the homeowner before entering into a contract with a homeowner of a residence in foreclosure for the purchase of the services of a foreclosure consultant. Prohibits a foreclosure consultant from charging or receiving compensation until the foreclosure consultant has fully performed each service the foreclosure consultant has contracted to perform or has represented the foreclosure consultant can or will perform; or receiving any consideration from a third party in connection with foreclosure consulting services unless the consideration is fully disclosed in writing to the homeowner. Prohibits a foreclosure consultant from taking any power of attorney from a homeowner for any purpose other than to inspect documents; from acquiring an interest in the real or personal property of the homeowner for purposes of securing payment of compensation; or taking an assignment of wages to secure payment of compensation. Requires the foreclosure consultant to maintain records and documents for at least three years. Provides that a violation of the chapter is a Class C misdemeanor.

Effective Date: September 1, 2011

Senate Bill 1320

Relating to the execution of written instruments relating to residential real estate transactions and deeds conveying residential real estate in connection with certain transactions involving residential real estate; providing a civil penalty.

Adds Business & Commerce Code Chapter 21; amends Civil Practice and Remedies Code Section 121.005(a), and Property Code Section 24.004

Author: Lucio Sponsor: Gonzales,
Veronica

Prohibits a seller of residential real estate or a person who makes an extension of credit and takes a security interest or mortgage against residential real estate from requesting or requiring the purchaser or borrower, before or at the time of conveyance or extension of credit, to execute and deliver a deed conveying the residential real estate to the seller or person making the extension of credit. Provides that a deed executed in violation of the section is voidable for a period of four years unless a subsequent purchaser acquires the property for value and without notice, including notice provided by actual possession of the property by the grantor of the deed. Provides that the property remains subject to the security interest of a creditor who, without notice of the violation, granted an extension of credit to a borrower based on the deed executed in violation of the section. Provides that a purchaser or borrower who is a prevailing party in an action to void a deed under the section may recover reasonable and necessary attorney's fees. Allows the attorney general to bring an action on behalf of the state for injunctive relief to require compliance with the chapter; to recover a civil penalty of \$500 for each violation of the chapter; or both injunctive relief and to recover the civil penalty; and allows the attorney general to recover reasonable expenses, including court costs and reasonable attorney's fees. Permits a court to make such additional orders or judgments as are necessary to return to the purchaser a deed conveying residential real estate that the court finds was acquired by means of any violation of the chapter. Removes jurisdiction of a justice court in suit for forcible entry and detainer and requires dismissal of the suit if the defendant files a sworn statement alleging the suit is based on a deed executed in violation of this chapter. Allows a current passport issued by a foreign country to be used as satisfactory evidence of the identity of an acknowledging person with respect to a deed or

other instrument relating to a residential real estate transaction.

Effective Date: September 1, 2011

Senate Bill 1353

Relating to certain claims against persons licensed as real estate brokers and salespersons.

Amends Business & Commerce Code Section 17.49

Author: Eltife Sponsor: Solomons

Exempts from the Deceptive Trade Practices-Consumer Protection Act (DTPA) a claim against a person licensed as a real estate broker or salesperson arising from an act or omission by the person while acting as a broker or salesperson. Excludes a material misrepresentation of a material fact that cannot be characterized as advice, judgment, or opinion; a failure to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed; or an unconscionable action or course of action that cannot be characterized as advice, judgment, or opinion.

Effective Date: May 28, 2011

Title 4. Business Opportunities and Agreements

House Bill 1711

Relating to disaster remediation contracts.

Adds Business & Commerce Code Chapter 57

Author: Davis, John Sponsor: Jackson, Mike

Requires that natural disaster remediation contracts be in writing and that a disaster remediation contractor may not require a person to make a full or partial payment under a contract before the contractor begins work, may not require that the amount of any partial payment under the contract exceed an amount reasonably proportionate to the work performed

(including materials delivered), and shall include a conspicuous notice that **“This contract is subject to Chapter 57, Business & Commerce Code. A contractor may not require a full or partial payment before the contractor begins work and may not require partial payments in an amount that exceeds an amount reasonably proportionate to the work performed, including any materials delivered.”** A violation constitutes a false, misleading or deceptive act or practice (i.e., a deceptive trade practice). A person may not waive the protections under this chapter by contract or otherwise, and any purported waiver is void. Applies generally to all disaster remediation contracts, but excludes contracts between a person and a disaster remediation contractor for the performance of disaster remediation services if the contractor maintains for at least one year preceding the date of the contract a physical business address in the county in which the property that is the subject of the contract is located or an adjacent county. "Disaster remediation" is defined as “the removal, cleaning, sanitizing, demolition, reconstruction, or other treatment of improvements to real property performed because of damage or destruction to that property caused by a natural disaster.” "Disaster remediation contractor" is defined as person who engages in disaster remediation for compensation, other than a person who has a permit, license, registration, or other authorization from the Texas Commission on Environmental Quality for the collection, transportation, treatment, storage, processing, or disposal of solid waste.”

Effective Date: September 1, 2011

Title 5. Regulation of Businesses and Services

House Bill 2468

Relating to providing a patron of a pay-to-park or valet parking service with certain information; providing a civil penalty.

Adds Business & Commerce Code Chapter 106

Author: Phillips Sponsor: Seliger

Requires operator of pay-to-park or valet service to provide to the patron a claim ticket including the name, address, and number of the owner of the service. Alternatively requires operator to post a sign adjacent to payment receptacle including the name, address, and phone number of the owner in lieu of a claim ticket. Excludes from above requirements the owner of the property on which the valet service is provided unless the service is also owned by the owner of the property. Chapter does not apply to services operated by owners of restaurants or cafeterias, inns, hotels, or motels who provide services exclusively to patrons of such accommodations. Imposes a civil penalty not to exceed \$200 for each violation of this chapter; permits attorney general or district attorney to bring action to recover the civil penalty.

Effective Date: September 1, 2011

House Bill 3487

Relating to regulations concerning certain service animals; providing a civil penalty.

Adds Business & Commerce Code Chapter 106

Author: Taylor, Van Sponsor: Carona

Prohibits a commercial lodging establishment or restaurant from requiring the payment of an extra fee or charge or a security deposit for a canine trained to assist in search and rescue or law enforcement activities that accompanies an individual to the establishment or restaurant if the individual is a peace officer or firefighter assigned to a canine unit or a handler of a search and rescue canine participating in a search and rescue operation under the authority or direction of a law enforcement agency or search and rescue agency, and the individual is away from the individual's home jurisdiction while in the course and scope of duty because of a declared disaster or a mutual aid request or mutual aid training. Provides that governmental immunity from suit and liability is waived and the department or agency of a canine unit may be held liable to the owner or operator of a commercial lodging establishment or restaurant for any damages to the premises caused by the service canine. Provides that the handler of a search and rescue canine is liable to the owner or operator of a commercial lodging establishment

or restaurant for any damages to the premises caused by the service canine. Imposes on the owner or operator of a commercial lodging establishment or restaurant that violates the section a civil penalty in an amount not to exceed \$200 for each violation.

Effective Date: September 1, 2011

BUSINESS ORGANIZATIONS CODE

Senate Bill 748

Relating to business entities and associations.

Amends and adds various chapters and sections of Business Organizations Code, Chapters 1, 6, 8, 9, 10, 11, 21, 22, 101, 151, 152, 153, 200, 252, 402. Repeals Business Organizations Code, Section 21.001, Sections 152.802(i) and 152.804

Author: Carona Sponsor: Giddings

This is an omnibus clean-up bill of the Business Organization Code that deals with the powers, contract rights, and governance issues of corporate business entities and associations. Generally only a few words or phrases were amended or added to clarify the Code, correct minor errors, fill gaps in coverage, eliminate antiquated provisions, and conform the language of the Code where there were unintentional deviations.

There is little in SB 748 that affects the real estate practitioner unless the practitioner is concerned with the make-up, governance, and powers of a business entity that might be a party to a real estate transaction. Those chapters in which substantive changes were made are summarized by Chapter below the chapter headings.

CHAPTER 21. FOR-PROFIT CORPORATIONS. Adds Section 21.453(f) and (g) that relate to corporate conversions and what disclosures must be submitted to shareholders upon conversion of a corporation.

CHAPTER 101. LIMITED LIABILITY COMPANIES. Adds Section 101.1115 that deals with the assignment of a member's interest in the event

of death or a divorce. Also amends Section 101.225 that deals with validity of a contract or transactions where a governing person or officer is involved as an interested party. The new amendments regulate a person's participation, execution of documents, and liability to other member for a breach of contract.

CHAPTER 152. GENERAL PARTNERSHIPS. Adds Section 152.308 that describes what a judgment creditor must do to obtain and enforce a charging order against a partner's partnerships interest. Also amends Section 152.406 to deal with what happens to a partner's interest in the partnership upon a partner's death - depending on whether there was a redemption plan in place.

CHAPTER 200. REAL ESTATE INVESTMENT TRUSTS. Amends Section 200.317 by adding subsections (a)(b)(d) and (e) that relate to the participation, execution, and liability of a trust manager or officer of a REIT in a transaction in which the trust manger or officer is an interested party.

Effective Date: September 1, 2011.

Title 1. General Provisions

House Bill 2047

Relating to service of process at the registered office of certain registered agents.

Amends Business Organizations Code, Section 5.201; adds Texas Business Organization Code, Section 5.201(d)

Author: Lewis Sponsor: Uresti

Requires that a registered agent that is an organization must have an employee available at the registered office during normal business hours to receive service of process, notice, or demand.

Effective Date: September 1, 2011

Senate Bill 582

Relating to service of process on certain domestic and foreign entities for the collection of delinquent property taxes.

Amends Business Organization Code, Section 5.257, and Civil Practice and Remedies Code, Section 17.091

Author: Harris Sponsor: Lewis

Revises the Business Organization Code to provide that a domestic or foreign limited liability company whose charter has been forfeited and who owes ad valorem taxes can be served by delivery of process to a manager or member of the limited liability company. Revises the Civil Practice and Remedies Code to provide that nonresident individuals and all foreign business entities of every kind, to include unincorporated associations, who owe ad valorem taxes, can be served with process in the same manner as domestic or foreign limited liability companies.

Effective Date: September 1, 2011

Title 2. Corporations

Senate Bill 1568

Relating to shareholder standing after a merger.

Amends Business Organization Code, Section 21.552; deletes Section 21.552(b)

Author: Estes Sponsor: Elkins

Eliminates Subsection (b), which provided that to the extent a shareholder of a corporation has standing to institute a derivative suit before a merger, Subchapter J or Chapter 10 of the Business Organization could not be used to limit or terminate the shareholder's standing after a merger. In other words, such a shareholder would now lack standing.

Effective Date: September 1, 2011.

Title 3. Limited Liability Companies

Senate Bill 323

Relating to the applicability of certain laws governing corporations to limited liability companies.

Amends Business Organizations Code, Chapter 10; adds Business Organization Code, Section 101.002

Author: Corona Sponsor: Elkins

Amends the Business Organizations Code to ensure that a limited liability company and its members, owners, assignees, affiliates, and subscribers have the same legal protections afforded a for-profit corporation.

Effective Date: September 1, 2011

CIVIL PRACTICE AND REMEDIES CODE

Title 2. Trial, Judgment, and Appeal

House Bill 962

Relating to rules regarding return of service.

Adds Civil Practice and Remedies Code Section 17.030; Amends Civil Practice and Remedies Code Section 17.065(b)

Author: Hartnett Sponsor: Rodriguez

1. Authorizes the Texas Supreme Court to adopt Rules of Civil Procedure requiring a person serving process to complete a return of service. Specifies that Rules must provide return of service is not required to be endorsed or attached to original process and may be electronically filed and may require information in the return of service such as the cause number and case name, the court in which the case was filed, the date and time process was received for service, the person or entity served, address served, date of service, manner of delivery, description of process served, the name of the process server in the process server's identification number. Requires a person certified by Supreme Court as a process server to sign return of service under penalty of perjury. Creates a criminal violation for a person who knowingly and intentionally falsifies the return of service as tampering with a governmental record under Penal Code Chapter 37. 2. Provides that a return of service for failed substitute service be signed under penalty of perjury. These acts apply to all process served on or after January 1, 2012, without regard to when the process was issued.

Effective Date: January 1, 2012

Senate Bill 886

Relating to the execution docket and other records of certain court clerks.

Adds Civil Practice & Remedies Code Section 30.018; Amends Tax Code Section 34.03

Author: Carona Sponsor: Darby

1. Authorizes court clerks required to enter information into an execution document under Texas Rules of Civil Procedure or other law to do so in an electronic format that allows retrieval of the information on the same basis as would be retrieved manually by index or cross index to the docket or as required by law. Prohibits Supreme Court from adopting rules in conflict with this provision. 2. With regard to the execution document under Tax Code, allows storage of local government records data to be electronic in addition to or instead of source documents in paper or other media.

Effective Date: September 1, 2011

Senate Bill 428

Relating to notice to a judgment debtor of the filing of a foreign judgment.

Amends Civil Practice & Remedies Code Section 35.004; Repeals Civil Practice & Remedies Code Section 35.005

Author: Huffman Sponsor: Thompson

Requires the judgment creditor or the judgment creditor's attorney to mail notice of filing of foreign judgment to the judgment debtor at the judgment debtor's last known address and file proof of mailing of the notice with the court clerk. Directs the court clerk to note the mailing in the docket on receipt of proof of mailing. Repeals Section 35.005, which allowed alternate notice of filing to the judgment debtor by mailing and filing of proof.

Effective Date: May 17, 2011

House Bill 274

Relating to the reform of certain remedies and procedures in civil actions.

Amends Civil Practice and Remedies Code, Sections 38.001, 38.002, 42.001, 42.002, 42.003, 42.004, 51.014, and Government Code Sections 22.004 and Section 22.225(d); Adds Civil Practice and Remedies Code Chapters 29, 29A, and Chapter 148, and Sections 30.021, and 38.0015; Government Code, Section 22.004(h)

Author: Creighton Sponsor: Huffman

1. Authorizes Texas Supreme Court to adopt rules for dismissal of causes of action that are baseless or lacking evidence, with the requirement that they be granted or denied within 45 days. Exempts cases under Family Code. 2. Requires an award of reasonable and necessary attorney's fees to the prevailing party in a civil proceeding where a court grants or denies a motion to dismiss under Section 22.004(g) of the Government Code. 3. Requires Supreme Court to adopt prompt, efficient and cost-effective resolution of civil actions where damages do not exceed \$100,000, with requirement that rules address need for lowering discovery costs and procedure for expedited resolution. Prohibits adoption of rules that conflict with a provision of the medical malpractice statute, Family Code, Property Code and Tax Code. 4. Permits a party on its own initiative or a trial court to permit an appeal from an interlocutory order if the order involves controlling question of law and does not concern a case under Family Code. Provides that such an appeal does not stay proceedings unless parties agree or trial or appellate court orders a stay. Requires appealing party to file application for Interlocutory appeal explaining why appeal is warranted within 15 days. Provides that if accepted, such appeal is governed by Texas Rules of Appellate Procedure for accelerated appeal and provides that date the Court of Appeals enters the order accepting the appeal starts the timetable for appellate notice and procedure. 5. Allows petition for review to Supreme Court from an interlocutory order under Section 51.014(d). 6. Expands definition of "litigation costs" under Settlement Procedure statute to include reasonable deposition costs. Excludes cases filed in small claims court from Settlement Procedure statute. Gives parties option to file a settlement offer under the Settlement Procedure statute with the court. Limits litigation costs to

be awarded to any party to an amount not greater than the total that the claimant recovers or would recover before adding the award of litigation costs in favor of claimant or subtracting as an offset award of litigation costs in favor of defendant. 7. Prohibits defendant from designating a responsible third party if the statute of limitations has passed as to the responsible third party if the defendant failed to comply with the obligation, if any, to disclose the responsible third party.

Effective Date: September 1, 2011

Title 4. Liability in Tort

Senate Bill 1160

Relating to the liability of landowners for damage or injury, including liability for harm to a trespasser.

Amends Civil Practice and Remedies Code Section 75.006; adds Civil Practice and Remedies Code Section 75.007

Author: Seliger House Sponsor: Jackson, Jim

1. Adds "Federal law enforcement officer" under 5 U.S.C. § 8331(20) to firefighters and peace officers in section describing limited liability for their actions. Provides that an owner, lessee, or occupant of agricultural land is not liable for damage or injury to any person or property arising from the actions of peace officers, including federal law enforcement officers who went to the land regardless of permission and regardless of whether damage or injury occurs on the land. Provides that the owner, lessee, or occupant of agricultural land is not liable for any damage or injury to any person or property arising from the actions of an individual who, because of the actions of an officer, enters or causes another person to enter the agricultural land without permission. Provides that this provision does not limit the liability of an owner, lessee, or occupant of agricultural land for damage or injury arising from their willful or wanton acts or gross negligence. 2. Defines "trespasser" as a person who enters land of another without any legal right. Removes any duty that an owner, lessee, or occupant of land would owe to a trespasser, including liability for injury to the trespasser, except for injury

occurring through willful or wanton acts or gross negligence of the owner, lessee or occupant. 3. Provides that the attractive nuisance doctrine related to children allows for liability to an owner, lessee or occupant of land if the owner, lessee or occupant knew or reasonably should have known that children were likely to trespass, the artificial condition involves an unreasonable risk of death or serious bodily harm to a child, the utility of elimination of the danger is light compared to the risk and the owner, lessee or occupant fails to exercise reasonable care to eliminate the danger. Provides that an owner, lessee, or occupant whose actions are justified under the Penal Code is not liable to a trespasser for resulting damages. Provides that this section does not affect prior provisions of the same chapter.

Effective Date: May 20, 2011

Title 6. Miscellaneous Provisions

House Bill 289

Relating to activity that constitutes maintaining a common nuisance.

Amends Civil Practice & Remedies Code Section 125.0015(a)

Author: Jackson, Jim Sponsor: Nelson

Section 125.0015(a) contains a list of activities that constitute a common nuisance. This amendment expands the list of activities to include employment of a minor at a sexually oriented business as defined under the Local Government Code, sexual conduct or performance by a child as described under the Penal Code or employment harmful to a child as described by the Penal Code.

Effective Date: September 1, 2011

House Bill 3674

Relating to the use of an unsworn declaration.

Amends Civil Practice and Remedies Code Section 132.001; Repeals Civil Practice and Remedies Code Sections 132.002 & 132.003

Author: Eiland Sponsor: Duncan

1. Expands use of unsworn declarations beyond inmates. Excludes the use of this section for an oath of office or oath required before a specified official other than a notary public. Requires an unsworn declaration to be in writing and subscribed by the declarant under penalty of perjury. Requires a jurat in a statutorily prescribed form. Prescribes a form for an inmate, including identifying number and location of incarceration. 2. Repeals Sections 132.002 and 132.003 of the Texas Civil Practice & Remedies Code which had previously set forth requirements and a form for unsworn declarations.

Effective Date: September 1, 2011

Title 7. Alternative Methods of Dispute Resolution

Senate Bill 1271

Relating to alternative dispute resolution systems established by counties.

Amends Civil Practice and Remedies Code Section 152.001

Author: Duncan Sponsor: Perry

Adds entities and governmental units to the list of parties that are covered by alternative dispute resolution systems established by county commissioners courts with respect to cases referred after the effective date of the act.

Effective Date: June 17, 2011

CODE OF CRIMINAL PROCEDURE

Title 1. Code of Criminal Procedure

Senate Bill 1103

Relating to the venue for prosecution of certain theft offenses.

Amends Code of Criminal Procedure Article 13.08(a)

Author: Carona Sponsor: Carter

Clarifies that when property is stolen in one county and removed to another county, the offender may be prosecuted in either county.

Effective Date: September 1, 2011

Senate Bill 485

Relating to proper venue for certain criminal prosecutions of mortgage fraud.

Adds Code of Criminal Procedure Article 13.271

Author: Huffman Sponsor: Carter

Broadens definition of “real estate transaction” that may be involved in criminal fraud (not limited to mortgage fraud), to include the sale, lease, trade, exchange, gift, grant or other conveyance of real property interest. Allows venue for the prosecution of fraud in a real estate transaction to be either in the county where the property is located or in the county where part of the transaction actually occurred, including the generation of supporting documentation. Allows certain other related offenses under Penal Code Section 32.46 (securing documents by deception), Section 32.48 (simulating legal processes to collect or cause action), or Section 32.49 (failure to release fraudulent liens) involving “real estate transaction” to be prosecuted in any county authorized by Article 13.27. Article 13.27 allows prosecutions either in the county from which any material was sent or in the county in which it was delivered.

Effective Date: September 1, 2011

House Bill 1891

Relating to the execution of a search warrant for data or information contained in or on certain devices.

Adds Code of Criminal Procedure Article 18.07(c)

Author: Davis, Sarah Sponsor: Huffman

Clarifies that a search warrant for a device (computer, disk drive, flash drive, cell phone, or data storage device) is considered executed within the time allowed if the device was seized before the expiration of the time allowed.

Permits data on the device to be recovered and analyzed after the expiration of the time allowed.

Effective Date: September 1, 2011

Senate Bill 519

Relating to the period during which a motion for a new trial in a criminal proceeding in a justice or municipal court must be made.

Amends Code of Criminal Procedure Article 45.037

Author: Hegar Sponsor: Hartnett

Extends from one (1) day to five (5) days the time period to make a motion for new trial in a criminal case in a justice or municipal court.

Effective Date: September 1, 2011

Senate Bill 316

Relating to criminal asset forfeiture, the disposition of proceeds and property from criminal asset forfeiture, and accountability for that disposition; providing civil penalties.

Amends Code of Criminal Procedure Article 59.03(d) and Article 59.06(d) and (g); Adds Code of Criminal Procedure Article 59.03(e), Article 59.06(c-2), (c-3), (c-4), (d-1), and (d-2), and Articles 59.061 and 59.062; Adds Government Code Section 24.377(c)

Author: Whitmire Sponsor: Gallego

Prohibits any peace officer at any time (rather than at the time of seizure) from requesting or in any way inducing any person to execute a document purporting to waive the person’s interest in or rights to property seized. Provides that any postjudgment interest from money or other things of value (or proceeds thereof) that are deposited in an interest-bearing account pursuant to a local agreement between the prosecutor and law enforcement be used for the same purpose as the principal. Provides that after a default judgment is rendered in favor of the state in connection with a violation of the Texas Controlled Substances Act, the prosecutor shall enter into a local agreement with the Department of Public Safety setting forth how

forfeited property seized (or the proceeds of the sale thereof) by the DPS officer in connection with the case should be distributed, and further provides that if DPS worked concurrently with another law enforcement agency on the case then the prosecutor will make the distribution in accordance with a memorandum of understanding between the agencies and the prosecutor. Prohibits the head of a law enforcement agency or prosecutor from using seized property or the proceeds thereof for specific uses, including contributions to political campaigns and the purchase of alcohol. Allows the head of a law enforcement agency or prosecutor to donate such seized property or the proceeds thereof to certain entities, including those involved in mental health, drug or rehabilitation services. Requires all proceeds from seized property to be subject to an audit to be conducted by the commissioners court or governing body of a municipality, and that the audit must be completed on a form provided by the Attorney General and include a detailed report of all expenditures, including salaries and overtime pay, officer training, investigative equipment and supplies, and other items. Provides that such audit shall be delivered to the Attorney General rather than the Comptroller and sets forth the timing of delivery and consequences for failure to deliver the audit timely. New provision providing that the state auditor may at any time perform an audit or investigation related to the seizure, forfeiture, receipt, and expenditure of proceeds and seized property and sets forth enforcement procedures if violations are found. Provides that a law enforcement agency or prosecutor may be subject to a civil penalty up to \$100,000 and reasonable expenses if an audit discovers known violations. Provides that any civil penalty collected shall be used to help fund drug court programs. Provides that the DA for the 198th Judicial District (Kerr, Kimble, Mason, McCulloch and Menard Counties) may use proceeds from the sale of forfeited property for official purposes after approval by the commissioners court of each county or approval by a regional review committee composed of three members who are a county judge, a county attorney, a county commissioner or a county sheriff, each appointed by the member of the House who represents the largest number of counties in the judicial district.

Effective Date: September 1, 2011

CONSTITUTION

Senate Joint Resolution 14

Proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

Author: Van de Putte Sponsor: Anderson

Adds Constitution Article VIII, Section 1-(b)(j), and (k)

Provides that the surviving spouse of a disabled veteran who qualified for a homestead exemption when the veteran died is entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's exemption applied, provided the surviving spouse has not remarried, and if the surviving spouse subsequently qualifies a different property as the surviving spouse's homestead, then the surviving spouse is entitled to an exemption from taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from taxation of the former homestead.

Effective Date: Subject to passage at election November 8, 2011

Senate Joint Resolution 16

Proposing a constitutional amendment providing for the appraisal for ad valorem tax purposes of open-space land devoted to water-stewardship purposes on the basis of its productive capacity.

Amends Constitution, Article VIII Section 1-d-1(a)

Author: Estes Sponsor: Ritter

Provides that ad valorem taxation of open space land used for water-stewardship purposes will be based on its productive capacity, *i.e.*, in the same manner farm, ranch and wildlife management land is currently taxed.

Effective Date: Subject to passage at election November 8, 2011

House Joint Resolution 63

Proposing a constitutional amendment authorizing the legislature to permit a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area and to pledge for repayment of the bonds or notes increases in ad valorem taxes imposed by the county on property in the area.

Amends Constitution Article VIII, Section 1-g(b)

Author: Pickett Sponsor: Wentworth

Permits legislature to authorize a county (instead of just an incorporated city or town) to (i) issue bonds or notes to finance the development or redevelopment of unproductive, under-developed or blighted areas; and (ii) pledge repayment of such bonds or notes with increases in ad valorem tax receipts.

Effective Date: Subject to passage at election November 8, 2011

Senate Joint Resolution 26

Proposing a constitutional amendment authorizing the legislature to allow cities or counties to enter into interlocal-contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund.

Amends Constitution, Article XI Sections 5 and 7

Author: West Sponsor: Turner

Allows cities with more than 5,000 inhabitants and cities and counties bordering the coast of the Gulf of Mexico to enter into interlocal contracts with other cities and counties, without meeting the assessment, tax and sinking fund requirements set forth in Constitution, Article XI, Subsections 5(a) and 7(a).

Effective Date: Subject to passage at election November 8, 2011.

Senate Joint Resolution 28

Proposing a constitutional amendment relating to the provision of parks and recreational facilities by conservation and reclamation districts in El Paso County.

Amends Constitution Article XVI Section 59(c-1)

Author: Rodriguez Sponsor: Marquez

Proposes to add El Paso County to the list of counties that legislature may authorize to finance the development of parks and recreational facilities through bonds issued by conservation and reclamation districts.

Effective Date: Subject to passage at election November 8, 2011

EDUCATION CODE

Title 3. Higher Education

Senate Bill 873

Relating to rate and damage schedules governing certain easements or other interests in land of The University of Texas System.

Amends Education Code Section 66.46

Author: Duncan Sponsor: Hilderbran

Requires the board of regents of The University of Texas System to establish a process for a person seeking an easement or interest from The University of Texas System to be able to “seek relief from a rate or damage schedule that the person believes does not represent the fair market value of the interest being sought.”

Effective Date: May 9, 2011

ELECTION CODE

Title 5. Election Supplies

House Bill 360

Relating to ballot language for a proposition to approve the imposition, increase, or reduction of a tax or the issuance of bonds.

Adds Election Code Section 52.072

Author: Jackson, Jim Sponsor: Duncan

(1) Requires the ballot in a bond election to show “the total principal amount of the bonds” and “a general description of the purposes” of the bonds. (2) For “a proposition that only seeks voter approval of the imposition or increase of a tax,” requires the ballot to show the amount of the tax or tax increase. (3) For “a proposition that only seeks voter approval of the reduction of a tax,” requires the ballot to show the amount of tax reduction or tax rate reduction.

Effective Date: September 1, 2011

FAMILY CODE

Title 1. The Marriage Relationship

House Bill 908

Relating to the division of community property on dissolution of marriage.

Adds Family Code Section 7.009

Author: Thompson Sponsor: Harris

Provides procedure in cases where fraud on the community has occurred by defining a “reconstituted estate” and outlining specific factors to consider in determining fraud on the community and division of the marital estate in light of the fraud on the community. Defines “reconstituted estate” as the total value of the community estate had actual or constructive fraud not occurred. Defines actual fraud as a spouse who intentionally with the intent to deceive spends or transfers community property for the purpose of depriving the other spouse of the use and enjoyment of the community asset involved in the transaction. Defines constructive fraud as a spouse who regardless of intent breaches a legal or equitable duty owed to the other spouse or community estate by spending or transferring property and the conduct deceives the other spouse or violates a confidence that exists due to the marriage. Outlines specific acts that constitute actual or constructive fraud (but does not appear to be an exclusive list). Directs the court, if fraud is found, to determine the amount the community estate was depleted because of the fraud, calculate the reconstituted

estate, and determine a just and right division based on the reconstituted estate.

Effective Date: September 1, 2011

FINANCE CODE

Title 2. Financial Regulatory Agencies

Senate Bill 249

Relating to the composition of the Finance Commission of Texas.

Amends Finance Code Section 11.101

Author: Estes Sponsor: Orr

Increases the members of the Finance Commission of Texas from nine to eleven. Clarifies the staggered terms to account for the increase. Increases from one to two the number of members that must be banking executives. Increases from five to six the number of members that are representatives of the general public.

Effective Date: June 17, 2011

Senate Bill 1008

Relating to the composition of the Finance Commission of Texas.

Amends Finance Code Section 11.102

Author: Carona Sponsor: Orr

Pursuant to the change made to existing law to clarify and amend the Texas Secure and Fair Enforcement for Mortgage and Licensing Act (the Texas SAFE Act) enacted in 2009, amends the term “mortgage broker” to “residential mortgage loan originator.” Clarifies that a licensed residential mortgage loan originator shall be a member of the finance commission.

Effective Date: June 17, 2011

Senate Bill 1124

Relating to licensing and regulation of certain persons involved in residential mortgage lending pursuant to the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; providing penalties.

Title 3. Financial Institutions and Businesses

Adds Finance Code Section 13.016; Amends Finance Code Chapters 15, 156, and 180 and Section 342.051; Repeals multiple provisions of Finance Code

Author: Carona Sponsor: Truitt

Revises the Texas Secure and Fair Enforcement for Mortgage and Licensing Act (the Texas SAFE Act) enacted in 2009, and in particular the Mortgage Broker License Act and the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act to clarify, reconcile and address oversight. With regard to the Mortgage Broker License Act: (i) provides for definitional change of mortgage brokers to residential mortgage loan originators; (ii) clarifies registration requirements of residential mortgage loan originators; (iii) clarifies the parties that are exempt from registration; (iv) clarifies qualifications and licensure requirements for various non-exempt parties; (v) provides penalties for a violation of the act; (vi) provides for criminal and background checks for applicants of licenses; (viii) provides for standards of conduct for those attempting to retain a previously- issued license; (ix) provides for process of renewal of a license; (x) clarifies requirements of a licensed residential mortgage loan company to maintain an office in Texas; (xi) provides for the contents of the Mortgage Call Report (previously the annual report); and (xii) provides that the commissioner may suspend or revoke a license for certain violations where, previously revocation was the only penalty.

With regard to the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act: (i) clarifies registration requirements for mortgage bankers pursuant to the act; (ii) clarifies process of renewal of registration and reinstatement after expiration; and (iii) clarifies the parties that are exempt from registration.

Effective Date: September 1, 2011

Senate Bill 1165

Relating to certain enforcement powers of the banking commissioner; providing administrative penalties.

Amends Finance Code Chapters 35 and 185 and Section 202.005

Author: Carona Sponsor: Truitt

Expands the authority of banking commissioner to impose penalties on state bank officers, directors and employees that have not complied with laws applicable to state banking institutions. Clarifies prohibited conduct of officers, directors and employees. Clarifies the content of a notice of violation sent by the commissioner. Clarifies the penalties and action available and the factors to be evaluated in assessing the same. Provides for the process of reinstatement by the violator.

Effective Date: May 28, 2011

Senate Bill 17

Relating to the regulation of residential mortgage loan servicers; providing an administrative penalty.

Adds Finance Code, Chapter 158; Amends Finance Code Chapter 157

Author: Carona Sponsor: Truitt

Provides regulatory authority to ensure residential mortgage loan servicers comply with applicable federal and state laws, rules, and regulations. Provides that all residential mortgage loan servicers must register except for (i) a federal or state depository institution or affiliate thereof, or (ii) persons registered under other specified Chapters or making residential mortgage loans with such person's own funds. Requires registration by written application under oath in the form prescribed by the commissioner including the name and address of the principal place of business, and the name, title, and address of the person authorized to respond to complaints. Requires registrants to update information not later than 30 days after

information changes, and not later than 10 days after filing for bankruptcy or reorganization, filing of a criminal indictment related to registrant's activities, or receipt of notification of the issuance of a final order to cease and desist, a final order of suspension or revocation of a license or registration, or other final formal or informal regulatory action taken against the registrant.. Requires residential mortgage loan servicers to keep in force a surety bond in amount not to exceed \$200,000 (\$25,000 if services only residential mortgage loans secured by unimproved residential real estate or services only residential mortgage loans secured by foreclosed property with a dwelling if sales do not exceed \$1 million annually) payable to commissioner. Authorizes commissioner to make a claim on the bond if a registrant fails to comply with a final order of the commissioner. Requires registration to be renewed annually. Authorizes commissioner to revoke registration if registrant fails or refuses to comply with commissioner's request for response to complaint, commissioner determines registrant has engaged in intentional course of conduct to violate federal or state law or has engaged in intentional course of conduct that constitutes fraudulent, deceptive, or dishonest dealings, or registrant is not in compliance with any final order of commissioner. Prescribes promulgated notice informing borrowers of a residential mortgage loan of their rights to assert a complaint against the mortgage loan servicer. Sets out the procedure to file the complaint. Prescribes various remedies.

Effective Date: September 1, 2011

Title 4. Regulation of Interest, Loans, and Financed Transactions

House Bill 558

Relating to payoff statements provided in connection with certain home loans.

Adds Finance Code Section 343.106

Author: Deshotel Sponsor: Carona

Requires Finance Commission to adopt rules governing title insurance company requests for payoff information from mortgage servicers related to home loans, and to prescribe a

standard mandatory payoff statement form. Requires such rules to require a mortgage servicer to deliver the requested payoff statement on the prescribed form within a time specified by the rule (which must allow at least seven business days after receipt of the request). Requires the prescribed form of payoff statement to (i) state the proposed closing date for the transaction involving the payoff of the home loan, and (ii) provide a payoff that is valid through that date. Prohibits a mortgage servicer who provides a completed payoff statement form meeting the requirements of the rules from demanding that a mortgagor pay an amount in excess of the payoff amount specified in the payoff statement except in the following cases: (a) an incorrect payoff statement may be corrected and delivered on or before the 2nd business day before the specified closing date by certified mail return receipt requested and electronic means; and (b) imposes a constructive trust on proceeds from the sale of the real property or from the refinance of real property for the benefit of a mortgagee who stated an insufficient amount on the payoff statement, but requires a release of lien (or, in the case of refinance, a subordination of the lien). Delays mandatory compliance with the added Section for 90 days after the Finance Commission adopts the required rules.

Effective Date: September 1, 2011

House Bill 3453

Relating to the regulatory authority of the consumer credit commissioner and to fees and interest charged in connection with consumer credit transactions; authorizing an administrative penalty.

Amends Finance Code, Government Code, and Occupations Code, various sections; repeals Finance Code Section 345.153

Author: Anchia Sponsor: Eltife

Clarifies technical oversights from previous legislation. Provides for interdepartmental and interagency sharing of information obtained during investigations and examinations by the commission if the commissioner considers disclosure to be necessary or proper to enforcement of federal or state law and in the

best interest of the public. Clarifies confidential information not subject to disclosure with respect to certain transactions. Authorizes the commissioner to assess an administrative penalty for certain violations.

Effective Date: September 1, 2011

House Bill 2931

Relating to certain debt cancellation agreements made in connection with retail installment contracts.

Amends Finance Code Section 348.124(a); Adds Subchapter G to Chapter 348

Author: Woolley Sponsor: Van de Putte

Includes a guaranteed asset protection waiver or similarly named agreement as a debt cancellation agreement, which is offered by a retail seller. Provides that the new Subchapter G on Certain Debt Cancellation Agreements applies only to a debt cancellation agreement that includes insurance coverage as part of the retail buyer's responsibility to the holder. Requires that the amount charged for the debt cancellation instrument be made in good faith and be commercially reasonable. Prohibits consumer credit commissioner from setting rates for a debt cancellation agreement that falls under the subchapter. Requires a debt cancellation agreement to fully disclose all provisions permitting the exclusions of loss or damage. Requires the debt cancellation agreement to state certain contact information, addresses, procedures, cancellation information, etc. Requires the retail seller to provide the retail buyer a true and correct copy of the agreement not later than 10 days from the date of the installment contract. Requires the holder of the agreement to comply with the stated terms no later than 60 days from the receipt of all necessary information. Prohibits a retail seller from knowingly offering the retail installment contract if there is already gap insurance and from requiring the retail buyer to obtain the extension of credit. Does not apply to agreement offered in connection with the purchase of a commercial vehicle. Requires the sale of the agreement to be for a single payment. Requires a holder of the agreement to report the sale and forward the money received from the

agreement to the designated party as stated in the specified program documents. Requires a fiduciary capacity of the holder of monies received or held by a debt cancellation agreement holder or administrator. Requires a refund of the debt cancellation agreement according to a stated schedule on the prepayment of contract, demand by the holder, request by the retail buyer for cancellation, or the total denial of a debt cancellation request. Allows the holder to withhold refund for amounts of less than \$5.00. Authorizes retail buyer to cancel the debt cancellation agreement, should there be no reported loss or theft, within 30 days of stated events. Allows a holder to rely on the computation by an administrator, if reliance done in good faith.

Effective Date: September 1, 2011

Senate Bill 762

Relating to the transfer of an ad valorem tax lien; providing for the imposition of an administrative penalty.

Amends Finance Code Sections 351.0021, 351.006 and 351.051, and Tax Code Sections 32.06 and 33.445

Author: Carona Sponsor: Paxton

Clarifies that a consumer's right to rescind a credit transaction in which a security interest is retained against the consumer's principal dwelling extends to a transaction involving the transfer of a tax lien on the property which is the consumer's principal dwelling. Sets forth the fees the transferee of the tax lien may charge. Provides additional post-closing costs that the property tax lender may charge the property owner. Sets forth certain items for which the property tax lender may not charge a fee. Provides a penalty for property tax lenders who violate the code section.

Effective Date: September 1, 2011

Title 5. Protection of Consumers and Financial Services

House Bill 2592

Relating to notice and disclosure requirements for certain credit services organizations

regarding charges and consumer borrowing; providing an administrative penalty.

Adds Finance Code Subchapter C-1 to Chapter 393

Author: Truitt Sponsor: Carona

Defines "credit access business," as a credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan. Defines "deferred presentment transaction" as a payday loan. Defines "motor vehicle title loan" as a loan in which an unencumbered motor vehicle is given as security for the loan. Requires a credit access business to post, in a conspicuous location at its business accessible to consumers and on any Internet website (including a social media site), a schedule of all fees charged for services performed by the credit access business in connection with deferred presentment transactions and motor vehicle title loans, in addition to a certain notice of the name and address of the Office of Consumer Credit Commissioner and the telephone number of the office's consumer helpline, and stated language informing readers about payday or auto title loans. Authorizes the Finance Commission to adopt rules to implement the Section. Requires a credit access business to make certain disclosures about interest and payment information prior to performing its services and to provide a warning about the loss of possession of the vehicle in addition to the disclosure provided in the subchapter. Authorizes the consumer credit commissioner to assess administrative penalties in accordance with rules adopted by the Finance Commission in the event of violation.

Effective Date: January 1, 2012.

House Bill 2594

Relating to the licensing and regulation of certain credit services organizations and the regulation of certain extensions of consumer credit obtained by those organizations or with regard to which the organizations provide assistance; providing an administrative penalty.

Adds Finance Code Section 393.201(c) and adds Subchapter G to Chapter 393; Amends Sections 14.107, 14.201, 14.251, 14.261(a), and 14.262

Author: Truitt Sponsor: Carona

Defines "commissioner," "credit access business," "deferred presentment transaction," "finance commission," "motor vehicle title loan," and "office." Requires a credit access business to obtain a license under this subchapter for each location at which the organization operates such a business. Identifies the criteria used for obtaining the license, such as an oath, location, contact information etc. Requires the applicant to pay a \$200 fee and a \$10,000 minimum bond. Establishes alternatives for the bond. Requires commissioner to conduct an investigation into the issuance of the bond to the applicant, and either to approve or to deny the application, within 30 days from the application, based on certain financial responsibility, experience, character, and general fitness, and net assets of the applicant. Prohibits the license holder from conducting business without the license as stated but is not required to have an office in the state and is allowed to operate using the Internet. Requires the license holder to display the license and to maintain minimum net assets of no less than \$25,000 per office or \$2,500,000 in aggregate. Requires an annual fee for the license and provides for expiration without payment of such fee. Allows commissioner to suspend or revoke a license after due process if the commissioner finds the license holder failed to comply with the subchapter or finds that a fact or condition exists that, if it had existed or had been known to exist at the time of the original application, clearly would have justified the commissioner's denial. Grants additional suspension and revocation to the commission for those who commit violation in a three-year period. Provides that suspension or revocation does not affect an obligation under contract nor does it affect the license holder's civil or criminal liability. Requires a license holder to provide information on moving its office, transfer or assignment of license. Provides that there is no limit on the fees charged by a credit access business. Prohibits the advertising of the credit access business without first obtaining a license. Prohibits advertisement of the business

at a nursing facility, assisted living facility, group home, intermediate care facility for mental retardation, or similar facilities regulated by Department of Aging and Disability Services. Provides for certain constraints on extension of debt to a military member or dependent of military members, and provides that certain debt collection practices are a violation of this subchapter. Requires the credit access business to file quarterly reports with the commission, which includes information such as the number of consumers, the number of transactions, the average amount of consumer credit extended, etc. Requires each license holder to pay into an annual assessment for the Texas Financial Education Endowment to support financial education and consumer credit building activities. Amends the requirement that the commission establish a reasonable and necessary fee for carrying out the powers and duties related to regulation of pawnshops, debt collection, debtor and business opportunities, telephone solicitation, consumer debt, and contests and giveaways. Limits the investigative and enforcement activity under the subchapter to only this chapter. Amends the requirements concerning the assurance of voluntary compliance from a person who is engaging in or has engaged in an act or practice in violation of certain rules and provisions under the chapter and other chapters. Provides certain voluntary compliance is not an admission of violation under the chapter.

Effective Date: January 1, 2012

Senate Bill 141

Relating to debt management services and the regulation of debt management services providers.

Amends Finance Code Chapter 394

Author: Eltife Sponsor: Anchia

Provides (i) that the commissioner may suspend or revoke registration of a debt management services provider if it is found the provider has entered into an agreement to pay creditors the full amount of the debt owed; (ii) specifications for the bond that must be held by providers; (iii) that provider cannot propose a plan in which the debt owed is not reduced; (iv) terms of

cancellation of a debt management service agreement in the event the consumer cancels such agreement; (v) fees that a provider may charge if an agreement is entered into with the consumer; and (vi) the basis on which the commissioner may adjust the fees and charges of the provider.

Effective Date: September 1, 2011

GOVERNMENT CODE

Title 2. Judicial Branch

Senate Bill 605

Relating to the creation of an appellate judicial system for the Eighth Court of Appeals District.

Adds Government Code Sections 22.2091, 101.06119, 101.08116, 101.10115, 101.12125

Author: Rodriguez Sponsor: Gallego

Directs the commissioner's court of each county in the Eight Court of Appeals District to establish an appellate judicial system to assist in the appeals process. Permits a \$5 fee to be assessed for each civil suit filed in the county to fund the system. Waives the fee for a government entity or a suit for delinquent taxes.

Effective date: September 1, 2011

House Bill 984

Relating to agreements between neighboring municipalities regarding jurisdiction of cases in municipal courts.

Amends Government Code Section 29.003(i) and Code of Criminal Procedure Article 4.14

Author: Truitt Sponsor: Harris

Allows municipalities with contiguous boundaries and municipalities that are within one-half mile of one another to enter into agreement to provide original jurisdiction to a municipal court as if court were located in the municipality which the case arose.

Effective Date: May 19, 2011

Senate Bill 480

Relating to certain appeals from judgments of municipal courts of record and to the recusal or disqualification of municipal judges.

Amends Code of Criminal Procedure, Article 4.03; Adds Government Code Chapter 29 Subchapter A-1, Section 29.013 and Section 30.00027; Repeals Government Code Section 29.012 and Local Government Code Section 22.073(c)

Author: Hegar Sponsor: Gallego

New provision providing that a party in a hearing or trial in a municipal court may file a motion stating grounds for the recusal or disqualification of the municipal judge and the timing of when such motion must be filed. Provides the procedures following the filing of such motion and sets forth which judge shall hear the motion. Provides the procedures to be followed if a motion for recusal or disqualification is granted after a hearing is conducted. Provides that after a municipal court of record has rendered a final judgment in a case, a party may appeal an order that denies a motion for recusal or disqualification as an abuse of the court's discretion. Provides that a party may not appeal an order that grants a motion for recusal or disqualification. Provides that a party may be held in contempt if it is found that a motion to recuse or disqualify is brought solely for the purpose of delay and without sufficient cause. Provides compensation provisions for municipal court judges who hear motions to recuse or disqualify. Provides that the secretary (or other responsible employee as applicable) in a municipality with a municipal court shall notify the Texas Judicial Council of the name of (i) each person who is elected or appointed as mayor, municipal court judge, or clerk of a municipal court within 30 days of such election or appointment, and (ii) each person who vacates such office within 30 days of such vacancy. Provides that an appellant has the right to appeal to the court of appeals if the fine assessed against the defendant exceeds \$100 and the judgment is affirmed by the appellant court or (new provision) the sole issue is the constitutionality of the statute or ordinance on which a conviction is based.

Effective Date: June 17, 2011

House Bill 627

Relating to a fee collected by a district clerk for certain certified copies.

Amends Government Code Section 51.318(b)

Author: Woolley Sponsor: Gallegos

Limits district clerks from charging more than \$1 a page for certified copy(ies) of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page.

Effective date: June 17, 2011

Senate Bill 85

Relating to the duties of the county tax assessor-collector and voter registrar regarding exemptions from jury service.

Amends Government Code Sections 62.107(b) and (c), 62.108(b), (c), and (e), and 62.109(c) and (e)

Author: Nelson Sponsor: Solomons

Permits a person to claim an exemption from jury service by filing a claim with the "voter registrar" and removes "tax assessor-collector" as a designated person to file a claim for an exemption. Further cleans up the statute by removing the pronoun "his" and replacing it with the gender-neutral term of "the person['s]".

Effective date: September 1, 2011

Senate Bill 1716

Relating to voidability of contracts procured through and liability arising from conduct constituting barratry; providing a civil penalty.

Amends Government Code, Section 82.065 and adding Government Code Section 82.0651

Author: Duncan Sponsor: Fletcher

Specifically authorizes the recovery of fees by an attorney against a client who fails to prove the attorney committed barratry. The amended

section requires, as a condition of recovery, the attorney to have reported the misconduct to the Texas Disciplinary Committee unless it has already been reported or if the attorney reasonably believes the reporting would substantially prejudice the client's interest. Imposes civil liability against attorneys or other persons who commit barratry by allowing the client to void the legal contract, recover fees and expenses paid under the contract, actual damages, and reasonable attorney fees. For persons who did not enter into a contract and was solicited by conduct violating the ethics rules regarding barratry by attorneys or other persons, the statute gives allows the person to file a civil action against the person committing barratry and imposes a penalty in the amount of \$10,000, actual damages, and reasonable attorney fees.

Effective Date: September 1, 2011

Title 3. Legislative Branch

Senate Bill 652

Relating to governmental and certain quasi-governmental entities subject to the sunset review process.

Amends and various sections of Education Code, Government Code, Insurance Code, Occupations Code, Natural Resources Code, Utilities Code, Finance Code, Health and Safety Code, Human Resources Code, Labor Code, Transportation Code, and Agriculture Code

Author: Hegar Sponsor: Bonnen

(1) Adds review by Sunset Advisory Commission for certain Texas agencies. (2) Adjusts dates for review by the commission for certain agencies. (3) Adjusts the sunset dates for certain agencies. (4) Adds certain agencies to those agencies that are subject to sunset and sets a sunset date for the agencies.

Effective Date: June 17, 2011.

House Bill 326

Relating to the reporting requirements of a state agency that is undergoing review by the Sunset Advisory Commission.

Adds Government Code Section 325.0075; Amends Government Code Section 320.004

Author: Guillen Sponsor: Zaffirini

Requires a state agency subject to being abolished by the Sunset Advisory Commission to submit to the commission, the governor, lieutenant governor, and each member of the legislature a report listing each report the agency must prepare by statute and an evaluation of the need for each such required report based upon what factors or conditions have changed since the date the statutory requirement to prepare each such required report was enacted. Establishes a due date of the new report as September 1 of the odd-numbered year before the year in which the agency is abolished.

Effective Date: June 17, 2011

Title 4. Executive Branch

House Bill 2866

Relating to the electronic submission of certain documents to the attorney general and the submission of certain documents by the attorney general; imposing certain fees.

Amends Government Code Section 402.006; Adds Government Code, Section 552.309

Author: Harper-Brown Sponsor: Ellis

(1) Authorizes Attorney General to charge a fee for submitting documents to the Attorney General electronically. (2) Specifies that certain documents through the Attorney General's electronic filing system are timely if submitted through that system by the deadline. (3) Specifies that certain documents that the Attorney General must send are timely if sent electronically by the deadline.

Effective Date: June 17, 2011

House Bill 2425

Relating to notice to the attorney general of challenges to the constitutionality of Texas statutes.

Adds Section 402.010 to the Government Code

Author: Thompson Sponsor: Hegar

With regard to litigation involving a challenge of the constitutionality of a state statute in which the attorney general is not a party or otherwise not involved as counsel, requires the court to serve notice of such litigation on the attorney general. Describes the contents of such notice and prohibits the court from entering final judgment holding a Texas statute unconstitutional before the 45th day after the date notice is served on the attorney general. Notice or participation in litigation by the state under this section does not waive sovereign immunity.

Effective Date: June 17, 2011

Senate Bill 367

Relating to the review by the attorney general of invoices related to legal services provided to state agencies by outside counsel.

Amends Government Code Section 402.0212

Author: Ogden Sponsor: Cook

Provides that any invoice for legal services provided to state agencies by outside counsel must be reviewed by the attorney general, and in order for the attorney general to review such invoice, the attorney or law firm submitting such invoice must pay an administrative fee.

Effective Date: June 17, 2011

House Bill 654

Relating to a report regarding the municipality or county of origin of certain tax revenue collected by the comptroller.

Adds Government Code Section 403.0142

Author: Solomons Sponsor: Shapiro

Provides that the comptroller shall, before each regular session of the legislature, provide a report showing the amount of tax revenue received by the comptroller from each municipality and county. Provides that the comptroller shall publish the report on its website.

Effective Date: September 1, 2011

House Bill 3465

Relating to the period for which a school district's participation in certain tax increment financing reinvestment zones may be taken into account in determining the total taxable value of property in the school district.

Amends Government Code Section 403.302

Author: Sheffield Sponsor: Fraser

For property in certain reinvestment zones (created by cities with 70,000 or less pop. in a county with a military installation), modifies the period for which a school district's participation affects comptroller's studies of taxable value.

Effective Date: September 1, 2011

Senate Bill 792

Relating to the duties of the secretary of state.

Amends Government Code Sections 405.017 and 405.019

Author: Duncan Sponsor: Branch

Repeals duty of the secretary of state to send a list of states and territories that require a notary public to validate certain documents to the Texas county clerks. Instead, the secretary of state need only make such list available to the Texas county clerks.

Effective Date: September 1, 2011

Senate Bill 1518

Relating to the powers and duties of the Texas Historical Commission; imposing a penalty.

Adds Government Code Sections 411.1146, 442.0052(c) and (d), 442.0054, 442.0056, 442.0057, 442.0058, and 442.0059; Adds Government Code Chapter 442, Subchapters D and E; Amends Government Code Sections 651.004 and 2166.003, and Parks and Wildlife Code Sections 13.001, 13.0052, and 13.010

Author: Eltife Sponsor: Guillen

(1) Clarifies that certain powers and duties of the Texas Parks and Wildlife Department relating to

certain historical sites are moved to and granted to the Texas Historical Commission; moves certain provisions from the Texas Parks and Wildlife Code to the Texas Government Code related to these powers and duties. (2) Authorizes the Texas Historical Commission to adopt rules related to the provisions of the statute and specifies that violation of the rules is a class C misdemeanor.

Effective Date: June 17, 2011.

Senate Bill 682

Relating to access to criminal history record information that relates to a person who is an applicant for appointment to an appraisal review board

Amends Government Code Section 411.1296

Author: Huffman Sponsor: Elkins

Adds that an appraisal district may provide to a local administrative district judge the criminal history record of a potential appointee to an appraisal review board.

Effective Date: June 17, 2011

House Bill 1178

Relating to employment protection for members of the state military forces and specialty license plates for female members of the armed forces.

Amends various sections of Government Code Chapter 431; adds Transportation Code Section 504.317

Author: Flynn Sponsor: Birdwell

Provides a procedure whereby members of the state military forces can file a complaint against an employer if the individual is terminated from employment because he/she is ordered to duty. Provides that the complaint may be filed with the Texas Workforce Commission. Provides the form and content of the complaint. Provides the general guidelines for the TWC in investigating the complaint. Provides for the remedies and recoverable damages of the TWC and the individual in the event a violation is found.

Provides that the Department of Transportation shall issue specialty license plates to women veterans.

Effective Date: June 17, 2011

Senate Bill 1796

Relating to the creation of the Texas Coordinating Council for Veterans Services.

Adds Government Code Chapter 434, Subchapter D

Author: Van de Putte Sponsor: Miller, Sid

Establishes the Texas Coordinating Council for Veterans Services to “(1) coordinate the activities of state agencies that assist veterans, servicemembers, and their families; (2) coordinate outreach efforts that ensure that veterans, servicemembers, and their families are made aware of services; and (3) facilitate collaborative relationships among state, federal, and local agencies and private organizations to identify and address issues affecting veterans, servicemembers, and their families,” and creates rules and procedures related to the council.

Effective Date: September 1, 2011

Senate Bill 1660

Relating to certain unclaimed property of veterans and veterans' families.

Amends Government Code Section 434.007

Author: Lucio Sponsor: Alvarado

Adds “inform[ing] and assist[ing] veterans and their families and dependents with respect to discovering and initiating claims for unclaimed property held by the United States Department of Veterans Affairs” to the duties of the Texas Veterans Commission.

Effective Date: June 17, 2011.

House Bill 1559

Relating to the retention, storage, and destruction of certain court documents.

Adds Government Code Section 441.025

Author: Davis, Sarah Sponsor: Huffman

Appoints and directs the Texas State Library to adopt rules for retention, storage, and destruction of court documents filed with or presented to or produced by a court before January 1, 1951. Further prevents any court in the state from destroying any such documents unless provided for by rules of the Texas State Library.

Effective Date: May 30, 2011

Senate Bill 1338

Relating to the powers and duties of the State Preservation Board.

Amends Government Code Sections 443.0071, 443.010, 443.0103, and 443.019; Adds Government Code Section 443.030; Repeals Government Code, Section 443.0101(e)

Author: Eltife Sponsor: Geren

(1) Adjusts the time for which “[a] proposal to construct a building, monument, or other improvement in the Capitol complex must be submitted to the [State Preservation Board] for its review and comment” from before construction contracts are executed to the “earliest planning stages of any such project.” (2) Requires that the board shall attempt to use gifts for the purpose for which they were given and authorizes the board to refuse to accept a gift if the designated purpose “conflicts with the goal of preserving the historic character of the buildings under the board’s control.” (3) Authorizes the board to “transfer money from the capital renewal trust fund to any account of the Capitol fund” for “maintaining and preserving the Capitol, the General Land Office Building, their contents, and their grounds.” (4) Authorizes the board to recover indirect, as well as direct, costs “from a person or entity that uses the Capitol or the grounds of the Capitol for an event, exhibit, or other scheduled activity.” (5) Authorizes the board to establish, maintain, and participate in organizations that support and benefit the board.

Effective Date: June 17, 2011.

House Bill 51

Relating to energy efficiency standards for certain buildings and to high-performance design, construction, and renovation standards for certain buildings and facilities of institutions of higher education.

Adds Government Code Sections 447.004(b-1) and (b-2), Education Code Section 55.115; Amends Health and Safety Code Sections 388.003(c) and (e) and 388.007

Author: Lucio III Sponsor: Hinojosa

Requires buildings, structures or other facilities of institutions of higher education be constructed, renovated (if cost is in excess of \$2M), or renovated (if cost is less than \$2M, but more than 50% of financing comes through revenue bonds), to comply with high-performance building standards and energy and water conservation standards. Sets standards that achieves a 15% reduction in water use. Applies only to institutions of higher education buildings, structures, or other facilities or a state building for which a contract is entered into after September 1, 2013.

Effective Date: September 1, 2011

House Bill 2457

Relating to the Texas Enterprise Fund and the Texas emerging technology fund.

Amends Government Code Chapters 481 and 490, various sections, and Labor Code Chapters 203, 204, and 302.

Author: Davis Sponsor: Jackson

Provides that an award of money from the Texas Enterprise Fund may be considered disapproved if the Lieutenant Governor or Speaker of the House does not approve the proposal to award the grant on or before the first day after the date of the receipt of the proposal from the Governor, although the review deadline may be extended for an additional fourteen days. Requires any grant to contain a provision relating to the requirement of creation of a minimum number of jobs and the creation date for the jobs. Requires the grant to provide that if the job creation requirements are not met, the grant

must be repaid, although repayment may be prorated, based on partial attainment of goals.

Provides that the Governor's report must be submitted to the Lieutenant Governor, the Speaker of the House of Representatives and the standing committees of each house with primary jurisdiction over economic development matters as they relate to the Fund for Emerging Technology Industries, and requires the report to contain information regarding the number of jobs created for each project receiving funds. Requires evaluation by the Governor of equity positions taken by the State and companies receiving awards under the Fund.

Requires financial statements from Committee members. Sets term limits for members of the Committee. Adds provisions requiring Committee to provide criminal history background checks, credit checks, photo I.D., and information relating to SEC violations for all individuals of each entity receiving an award of money from the Fund.

Requires each regional center of innovation and commercialization to maintain minutes for any meetings involving application for funding and specifies contents of the minutes.

Effective Date: September 1, 2011

Title 5. Open Government; Ethics

House Bill 2313

Relating to certain notice requirements for municipalities and counties under the open meetings law.

Amends Government Code Sections 551.0415 and 551.050

Author: Coleman Sponsor: Wentworth

(1) Authorizes a county commissioners court to receive reports on certain items of "community interest" at a meeting—even if the notice of the meeting does not cover the reports—provided no action is taken on them (existing law only applies to municipalities). (2) Authorizes a municipality to post notices of meetings on either a physical bulletin board or an electronic bulletin board.

Effective Date: June 17, 2011

House Bill 1500

Relating to allowing the commissioners court of a county to deliberate in a closed meeting regarding business and financial issues related to a contract being negotiated.

Amends Government Code Section 551.0725(a)

Author: White Sponsor: Nichols

Provides that a county commissioners' court may conduct closed meeting to discuss business and financial issues of a county contract. Requires county attorney issue a written opinion and a prior unanimous vote of commissioners.

Effective Date: June 17, 2011

Senate Bill 1613

Relating to the application of the public meetings and public information laws to public power utilities.

Amends Government Code Sections 551.086 and 552.133; Repeals Government Code Section 551.086(b)(3)

Author: Ogden Sponsor: Brown, Fred

(1) Changes the definition of "competitive matter" (which governs exceptions from open-meeting and public-information rules for public power utilities) from a matter the governing body determines in good faith to be a competitive matter to a matter "reasonably related" to certain categories of information, such as costs and cost forecasts, bidding and pricing information, certain contracts, risk management information, information related to improvements and additions and certain customer information. (2) Adds two new exclusions from the definition of competitive matter: "salaries and total compensation of all employees of a public power utility" and "information publicly released by the Electric Reliability Council of Texas in accordance with a law, rule, or protocol generally applicable to similarly situated market participants."

Effective Date: June 17, 2011

Senate Bill 602

Relating to confidential information under the public information law and to procedures and deadlines under the public information law in relation to the redaction of certain confidential information by a governmental body.

Amends Education Code Section 51.217 and various sections of Government Code, Chapter 552

Author: Rodriguez Sponsor: Marquez

(1) Provides that email addresses and telephone numbers maintained in emergency contact database of an “academic teaching institution, a medical and dental unit, or other agency of higher education” are confidential. (2) Authorizes a governmental body to withhold, without requesting an opinion from the Attorney General: (i) certain confidential information under the Transportation Code and (ii) credit card, debit card, charge card, and access device numbers—but allows the requestor to seek an opinion from the Attorney General if such information is withheld without seeking an Attorney General opinion. (3) Provides that, if a request is revised in response to a request for a cost bond, the revised request is considered a new request for purposes of the timelines under the Public Information Act. (4) Specifies that if a governmental body cannot establish the exact date a mailed request was received, it is deemed to be the third business day after the date of the postmark (if properly addressed).

Effective Date: September 1, 2011

Senate Bill 1638

Relating to the exception of certain personal information from required disclosure under the public information law.

Amends Government Code Chapter 552, various sections

Author: Davis, Wendy Sponsor: Geren

Excepts the following information from required public disclosure under the Public Information Act: (i) certain “emergency contact information,” (ii) certain driver license, motor

vehicle and identification documents from another state or country (in addition to information from Texas); and (iii) “a photocopy or other copy of an identification badge issued to an official or employee of a governmental body.”

Effective Date: June 17, 2011

House Bill 1046

Relating to the confidentiality of certain personal information concerning current and former employees of certain divisions of the office of attorney general.

Amends Government Code Sections 552.117 and 552.1175; amends Tax Code, Section 25.025

Author: Fletcher Sponsor: Huffman

Excepts, from public disclosure under the Public Information Act, the home address, home telephone number and social security number of a current or former employee of the office of the attorney general in a law enforcement division.

Effective Date: June 17, 2011

Senate Bill 1130

Relating to the exception from required public disclosure of certain records of an appraisal district.

Amends Government Code Section 552.149

Author: Hegar Sponsor: Kleinschmidt

Specifies that certain data (e.g., sales price and related information received from a private entity) held by an appraisal district in a county with 50,000 pop. or less (changed from 20,000 or less) is not subject to disclosure as public information except as provided in Section 552.149.

Effective Date: June 17, 2011

Title 6. Public Officers and Employees

Senate Bill 577

Relating to the use of facsimile signatures for certain documents involving certain municipalities.

Title 10. General Government

*Amends Government Code Section 618.002;
Amends Health and Safety Code Section 342.007*

Author: Duncan Sponsor: Frullo

(1) Allows municipality to use facsimile signatures on lien filings for the cost of work performed by the municipality to abate certain unsanitary property conditions, weeds, trash, etc.
(2) Allows more municipalities (200,000+ pop., down from 1.9 million) to use facsimile signatures to sign certain contracts.

Effective Date: June 17, 2011

Title 7. Intergovernmental Relations

Senate Bill 760

Relating to the term and renewal of interlocal contracts.

Amends Government Code Section 791.011

Author: West Sponsor: Thompson

Provides that interlocal cooperation agreements may be drafted for “a specified term of years.”

Effective Date: Upon passage of SJR 26.

Title 9. Public Securities

House Bill 2251

Relating to the continuation and functions of the Texas Public Finance Authority.

Amends Texas Government Code Chapter 1232

Author: Bonnen Sponsor: Whitmire

Extends the life of the Texas Public Finance Authority until September 1, 2023. Revises procedures for TPFPA’s rule making authority and alternative dispute resolution. Provides funding for multiyear cancer-related projects through the Cancer Provision and Research Institute of Texas Oversight Committee.

Effective Date: June 17, 2011

House Bill 1781

Relating to obsolete or redundant reporting requirements applicable to state agencies and to certain reports, communications, publications, and other documents involving the attorney general.

Amends Education Code Section 61.0815; Government Code Sections 41.002 and 325.011; Health and Safety Code Sections 242.005 and 247.050; adds Government Code Chapter 2052; Reenacts Tax Code Section 311.016; Repeals Family Code Section 236.002, Government Code, Sections 402.034, 481.168, and 2107.005; Health and Safety Code Section 247.050; Local Government Code Sections 240.903 and 395.082

Author: Price Sponsor: Nelson

Requires the executive head of a state agency to, not later than August 1, 2012, examine the agency’s reporting requirements established before January 1, 2009 and determine which are not necessary or redundant and the reason for the decision. Requires the agency executive to provide a report detailing this information to the House, Senate, and Governor.

Effective Date: June 17, 2011

House Bill 2203

Relating to the pilot program authorizing a property owner to appeal to the State Office of Administrative Hearings certain appraisal review board determinations.

Amends Government Code Sections 2003.902, 2003.906, and 2003.916

Author: Otto Sponsor: Williams

Amends pilot program authorizing property owners to appeal to the State Office of Administrative Hearings (SOAH) appraisals over \$1 million in lieu of going to district court by: (1) adds Collin, Denton, Fort Bend, Montgomery, and Nueces Counties to the original pilot program for two years beginning January 1, 2012 and extends the program until the end of 2014; (2) adds a requirement for a refundable cost deposit of \$1500; (3) requires

notice of appeal to SOAH to be filed with chief appraiser within 30 days of receipt of order; (4) allows for the recovery of attorneys fees; (5) makes the changes applicable to appeals filed after the effective date of the amendments.

Effective Date: June 17, 2011

House Bill 726

Relating to the electronic distribution of information to legislators by state agencies.

Amends Government Code Sections 2052.002(a) and (c) and 2.052.0021(d)

Author: Sheffield Sponsor: Huffman

Provides that state agencies shall notify members of the legislature electronically of proposed publications and statutory-required reports and that members shall notify the agency electronically if it wants the publication; such publications shall then be delivered electronically and in writing.

Effective Date: June 17, 2011

Senate Bill 701

Relating to high-value data sets of state agencies posted on the Internet.

Adds Government Code Section 2054.1265

Author: Watson Sponsor: Strama

Requires state agencies to post on a generally accessible Internet website, the agencies high-value data. Defines high-value data as information that can be used to improve public knowledge of the agency, further its core mission, create economic opportunity, or respond to need or demand; excludes information that is confidential or protected by law from disclosure. Allows the agency to use its own website or a contractor's website as long as it is at no cost to the state. Allows agencies to accept a gift or grant to post high-value data on the Internet.

Effective Date: September 1, 2011

Senate Bill 988

Relating to the creation of a cybersecurity, education, and economic development council.

Adds Government Code Chapter 2054, Subchapter N

Author: Van de Putte Sponsor: Larson

Establishes the Cybersecurity, Education, and Economic Development Council for the purpose of studying and providing a report with recommendations on "improving the infrastructure of this state's cybersecurity operations with existing resources and through partnerships between government, business, and institutions of higher education" and "examining specific actions to accelerate the growth of cybersecurity as an industry in this state."

Effective Date: September 1, 2011

Senate Bill 327

Relating to including certain veterans service organizations as small businesses for the purpose of state contracting.

Amends Government Code Section 2155.505

Author: Van de Putte Sponsor: Garza

Adds "veterans service organizations" to the definition of "small business" for purposes of state contracting consideration.

Effective Date: June 17, 2011

House Bill 265

Relating to the lease of space by and for a state agency.

Amends Government Code Sections 2167.002 and 2167.005(a)

Author: Hilderbran Sponsor: Birdwell

Provides that before making determination that state owned space is not available, the Texas Facilities Commission must consider all reasonably available state-owned space, regardless of whether utilizing state-owned space would require the agency to move all or

part of the agency's operations to a different geographic location.

Effective Date: September 1, 2011.

House Bill 628

Relating to contracts by governmental entities and related professional services and to public works performance and payment bonds.

Amends Government Code, Education Code, Local Government Code, Transportation Code, Water Code, and Special District Local Laws Code, various sections. Repeals Education Code, Government Code, Local Government Code and Transportation Code, various sections

Author: Callegari Sponsor: Jackson, Mike

With regard to public construction contracts, consolidates and clarifies miscellaneous provisions related to the bidding and procurement process. Clarifies the duties and obligations of the governmental body in awarding the bid. Clarifies the contracts and parties to which the statutes do not apply. Amends the criteria to be used in awarding a contract. Prohibits reverse auctions for public work contracts involving a bond.

Effective Date: September 1, 2011

House Bill 2226

Relating to authorized investments for governmental entities.

Amends Government Code Chapter 2256, various sections

Author: Truitt Sponsor: Carona

Provides that the investment policies of governmental entities must contain procedures for monitoring rating changes in investments purchased with public funds and their liquidation. Requires investment officers to attend mandatory training sessions. Permits governmental entities to invest in obligations fully guaranteed by the FDIC or credit of US and in investment pools subject to certain restrictions, rating and reporting requirements.

Effective Date: June 17, 2011

House Bill 2103

Relating to the consideration of a letter of credit issued by a federal home loan bank as an eligible security for collateral to secure public funds.

Amends Government Code Section 2257.002(4)

Author: Jackson, Jim Sponsor: Carona

Provides that a letter of credit issued by a federal home loan bank may qualify as an "eligible security" to satisfy the collateral requirements for projects utilizing public funds requiring security.

Effective Date: June 17, 2011

Senate Bill 1048

Relating to the creation of public and private facilities and infrastructure.

Adds Government Code Chapters 2267 and 2268 and Section 552.153

Author: Jackson, Mike Sponsor: Davis, John

(1) Authorizes and establishes a structure for public/private partnerships for a wide range of infrastructure and governmental facilities projects in the State of Texas. (2) Creates the Partnership Advisory Commission and establishes a framework for the commission to advise governmental entities on proposals for public/private partnerships.

Effective Date: September 1, 2011

House Bill 1818

Relating to the continuation and functions of the Texas State Affordable Housing Corporation and to the appointment of commissioners of a municipal housing authority; providing penalties.

Amends Government Code Chapter 2306, various sections

Author: Harper-Brown Sponsor: Hinojosa

Extends life of Texas State Affordable Housing Corporation to September 1, 2023. Restructures board of directors and appointment procedures,

procedures for meetings of the board, posting of transcripts, materials, agenda items and opportunities for public testimony at board meetings. Requires the board provide contracting opportunities for historically underutilized businesses and updates compliance and complaint procedures.

Effective Date: September 1, 2011

House Bill 628

Relating to contracts by governmental entities and related professional service and to public works performance and payment bonds.

Amends, adds and repeals various sections of Government Code, Education Code, Local Government Code, Transportation Code, Water Code, Special District Local Laws Code

Author: Callegari Sponsor: Jackson, Mike

Comprehensive revision of bidding and contracting procedures for government and school projects including specifying exemptions from requirements for competitive bids, updating procedures for putting projects out to bid and accepting bids, types of contracts for public projects, specifies various procedures for administrative oversight and contract management.

Effective Date: September 1, 2011

HEALTH AND SAFETY CODE

Title 5. Sanitation and Environmental Quality

House Bill 3372

Relating to rainwater harvesting systems that are connected to public water supply systems.

Amends Health and Safety Code Section 341.042

Author: King, T. Sponsor: Jackson

Deletes the prohibition on use of water from a rainwater harvesting system connected to a public water system for only nonpotable indoor uses. Directs the Texas Commission on Environmental Quality to work with the Texas Department of State Health Services to develop

rules governing the use of rainwater harvesting systems for potable indoor use. Requires that a rainwater harvesting system that is connected to a public water supply used for potable purposes must be installed and maintained by a licensed master plumber or journeyman plumber with a water supply protection specialist endorsement. Requires the owner of such a rainwater harvesting system to give notice to the municipality or to the public water supply system before connecting the rainwater harvesting system. Protects a municipality or a public water supply system from liability for adverse health effects from the rainwater harvesting system if the municipal/public water supply system is otherwise in compliance with applicable drinking water sanitary standards.

Effective Date: September 1, 2011

Senate Bill 1073

Relating to rainwater harvesting systems that are connected to public water supply systems.

Amends Health and Safety Code Section 341.042

Author: Jackson, M. Sponsor: King, T.

Identical to House Bill 3372, summarized above.

Effective Date: September 1, 2011

House Bill 3391

Relating to rainwater harvesting and other water conservation initiatives.

Adds Finance Code Section 59.012, Local Government Code Section 580.004; Amends Government Code Section 447.004, Health and Safety Code Section 341.042, Property Code Sections 5.008 and 202.007, Water Code Section 1.003

Author: Miller, D. Sponsor: Seliger

Makes several changes designed to promote the use of rainwater harvesting systems. Prohibits a municipality or a county from denying a building permit solely because a facility will implement a rainwater harvesting system. Amends the Seller's Disclosure Notice required under Section 5.008 of the Property Code to include a statement about a rainwater harvesting

system being connected to the property for indoor potable purposes (applicable only to transfers of property that occurs on or after the effective date of the Act). Imposes certain requirements upon the regulation of rainwater harvesting systems by property owners' associations. Requires the State energy conservation office to adopt standards allowing for potable use of harvested rainwater and requiring rainwater harvesting systems for certain new State buildings. Removes the prohibition in a structure connected to a public water supply system on the use of rainwater harvesting systems for nonpotable use only. Requires the Texas Commission on Environmental Quality to adopt rules relating to the installation and maintenance of rainwater harvesting systems, including protections of cross-communication with the public water supply systems. Requires consent of the public water supply system or the municipality prior to connection. Protects a municipality or a public water supply system from liability for adverse health effects from the rainwater harvesting system if the municipal/public water supply system is otherwise in compliance with applicable drinking water sanitary standards. Note that many of these changes amend the same Health and Safety Code provisions as HB 3372, but in slightly different ways. Encourages municipalities and counties to promote rainwater harvesting and requires the Water Development Board to provide training to permitting staffs of municipalities and counties. Requires these permitting staffs in areas designated as priority groundwater management areas and whose work directly relate to permitting rainwater harvesting systems to receive training. Allows financial institutions to make loans for developments that rely solely upon rainwater harvesting for water supply.

Effective Date: September 1, 2011

House Bill 2826

Relating to the issuance of a certificate for a municipal setting designation.

Amends various Sections of Health and Safety Code Chapter 361

Author: Murphy and Coleman Sponsor:
Huffman

Provides an alternative way to obtain a municipal settings designation for a property in a municipality that has a population of two million or more. Prior law required that an applicant for a municipal settings designation had to obtain supporting resolutions from municipalities and certain retail public utilities. This bill changes this requirement for certain municipalities so that notice must be given allowing the municipality and/or the retail public utility to pass a resolution opposing the municipal settings designation within 120 days of receipt of notice. Allows applicant in these municipalities to satisfy requirements for a municipal settings designation by presenting proof that no opposing resolution was adopted and that the property is subject to either an ordinance or a restrictive covenant enforceable by the municipality restricting groundwater use.

Effective Date: September 1, 2011

Senate Bill 329

Relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.

Adds Health and Safety Code, Chapter 361, Subchapter Z; amends Water Code Section 7.052

Author: Watson Sponsor: Chisum, Naishtat

Establishes a television equipment recycling program for television equipment sold or used in Texas. Requires television manufacturers to register with the Texas Commission on Environmental Quality and pay a registration fee. Requires television manufacturers either individually or as part of a group, to report certain information about television equipment sold in Texas and on television equipment collected under the recycling program. Requires television manufacturers either individually or as a part of a group, to establish and provide to the Texas Commission on Environmental Quality a "recovery plan" to collect, reuse and recycle certain television equipment. Establishes standards for either individual or groups of manufacturers for their recovery plans. Prohibits retailers from selling television products from a manufacturer that is not on the

Texas Commission on Environmental Quality's list of television manufacturers who are in compliance with the program and requires retailers to provide information on the recycling of televisions to consumers. Imposes certain registration, recycling and reporting obligations on recyclers of covered television equipment. Establishes penalties for a violation of the requirements of the program.

Effective Date: September 1, 2011

Senate Bill 1258

Relating to the disposal of demolition waste from abandoned or nuisance buildings in certain areas.

Adds Health and Safety Code Section 361.126

Author: Duncan Sponsor: Hardcastle

Allows the Texas Commission on Environmental Quality to issue a permit by rule to allow (and to adopt other rules relating to allowing) counties or municipalities with populations of 10,000 or less to dispose of demolition wastes from certain buildings if the disposal occurs on county or municipality owned or controlled land that would qualify for an arid exemption under the Commission's permitting rules for disposal sites. This amendment is applicable to demolition waste from abandoned or nuisance buildings acquired by the county or municipality by means of bankruptcy, tax delinquency or condemnation, and where the prior owner is not financially capable of paying for other disposal.

Effective Date: May 17, 2011

House Bill 240

Relating to requiring the Texas Commission on Environmental Quality to adopt rules preventing access to on-site sewage disposal systems.

Amends Health and Safety Code Section 366.012(a)

Author: Parker Sponsor: Nelson

Requires the Texas Commission on Environmental Quality to adopt rules to require that on-site sewage disposal systems installed

after September 1, 2012, be designed to prevent unauthorized access to those systems

Effective Date: September 1, 2011

Senate Bill 1134

Relating to the issuance of permits for certain facilities regulated by the Texas Commission on Environmental Quality.

Adds various Sections to Health and Safety Code Chapter 382; amends Water Code Section 7.052

Author: Hegar Sponsor: Craddick

Restricts the Texas Commission on Environmental Quality's ability to issue new or amend existing permits by rule or standard permits for certain oil and gas facilities, pipelines, and transmission and distribution facilities, without making certain analyses and determinations (with specific requirements on the types of monitoring data used in making the determinations). Defines for these facilities what constitutes a "planned maintenance, start-up or shut down activity" and requires certain analyses and determinations by the Commission prior to the issuance or amendment of a permit by rule or standard permit for such emissions. Allows the Commission to amend existing permits by rule for certain purposes, including imposing minimum distance restrictions in relation to recreational area, residences or other structures on facilities handling sour gas. Establishes when the Commission can aggregate these types of facilities for purposes of consideration in air permitting.

Effective Date: June 17, 2011

Senate Bill 1250

Relating to the applicability of certain restrictions on the location and operation of concrete crushing facilities.

Amends Health and Safety Code Section 382.065

Author: Lucio Sponsor: Lozano

Exempts from location restrictions on the operations of a concrete crushing facility, those concrete crushing facilities that are used in the manufacture of products that contain recycled

materials, are located within enclosed buildings and are located within 25 miles of an international border and in a municipality with population not less than 6,100 and not more than 20,000.

Effective Date: September 1, 2011

House Bill 3399

Relating to the requirements for grant programs funded through the Texas emissions reduction plan.

Amends Health and Safety Code Sections 386.104, 391.002, 391.004, 391.005 (References to Chapter 391 are to that version of Chapter 391 adopted by Chapter 1232 (SB 1759) Acts of the 81st Legislature, Regular Session, 2009)

Author: Legler, Strama, Reynolds, Chisum
Sponsor: Williams

Amends the requirements for grants under the Texas Emissions Reduction Program, Diesel Emissions Reduction Incentive Program, specifying how the decommissioning of a heavy-duty motor vehicle under the program must be accomplished and allowing the Texas Commission on Environmental Quality's Executive Director to waive certain eligibility requirements for good cause. Reduces to 20 the number of qualifying vehicles and changes other eligibility criteria for the Texas Clean Fleet grants program.

Effective Date: September 1, 2011

Senate Bill 1605

Relating to the Texas Low-Level Radioactive Waste Disposal Compact Commission.

Amends Health and Safety Code Section 401.248; amends and adds to various Sections of Health and Safety Code Chapter 403

Author: Seliger Sponsor: Lewis, Geren and Cook

Makes changes to the commission created by Texas Low-Level Radioactive Waste Disposal Compact. Establishes staggered six-year terms for the commissioners appointed from Texas. Makes clear the commission is independent of

the Texas Commission on Environmental Quality. Sets out other provisions applicable to administration of the commission.

Effective Date: September 1, 2011

Title 8. Death and Disposition of the Body

House Bill 788

Relating to the establishment and use of a private family cemetery by certain organizations in certain counties.

Amends Health and Safety Code Section 711.008(b)

Author: Kuempel, Miller D. Sponsor: Wentworth

Provides for an additional exception to the general restriction in Health and Safety Code, Section 711.008(a) on the location of a cemetery for private family cemeteries owned by tax exempt (501(c)(3)) organizations, where the cemetery is located on land owned by the organization in a county with a population of more than 125,000 located adjacent to a county that has a population of more than 1.5 million (and in which seventy-five percent of that population is in a single municipality).

Effective Date: September 1, 2011

Senate Bill 131

Relating to cemeteries in certain municipalities.

Amends Health and Safety Code Section 711.008

Author: Wentworth Sponsor: Kuempel

Allows, for a limited time, persons to apply to establish a cemetery inside the boundaries of certain municipalities, and allows municipalities to authorize such use if it does not adversely affect public health, safety and welfare. This applies only to municipalities located in three or more counties, having a population of 18,000 or more and which does not have a cemetery (other than a family cemetery) within its boundaries.

Effective Date: September 1, 2011

Title 9. Safety

House Bill 1917

Relating to the removal of appointed emergency services commissioners by a commissioners court.

Amends Health and Safety Code Section 775.0422

Author: Schwertner Sponsor: Ogden

Changes the circumstances under which the commissioners court of the county in which an emergency services district is located can remove an appointed board member to delete the ability to remove the member for the failure of the board to make required reports, and to add the ability to remove a board member for incompetency, official misconduct, or misconduct. Provides that Government Code Section 551.0745, which does not require a county commissioners court to deliberate in an open meeting, applies to the removal of the board member of the emergency services district. Requires 30 days notice to board members that the commissioners court is considering removal of a board member.

Effective Date: May 21, 2011

INSURANCE CODE

Title 2. Texas Department of Insurance

House Bill 1951

Relating to the continuation and operation of the Texas Department of Insurance and the operation of certain insurance programs; imposing administrative penalties.

Amends and adds various chapters and sections of Insurance Code and Government Code

Author: Taylor Sponsor: Hegar

Omnibus Texas Department of Insurance (TDI) sunset bill, which extends sunset date to September 1, 2023. Expands TDI's duties to include consumer protection and ensuring fair competition in the insurance industry. Requires insurance commissioner to develop and implement a policy encouraging the use of

negotiated rulemaking and ADR procedures. Abolishes 15 boards, committees, councils, and task forces, including the market assistance program for residential property insurance. Allows the commissioner to prescribe a reasonable fee for owner- or occupant-requested state fire marshal inspections. Expands state fire marshal's authority to take disciplinary and enforcement actions and to impose administrative penalties. Expands the definition of "conducting business" as to TDI-regulated entities to include electronic transactions. Requires insurers of residential property to submit aggregated claims info to the commissioner, and that said data shall be made available on TDI's website. Requires commissioner to determine, at least once every six years, which areas to designate as underserved by residential property insurers, and to conduct, within the same time frame, a study to increase and improve access to such insurance in those designated areas.

Effective Date: September 1, 2011

Title 10. Property and Casualty Insurance

Senate Bill 425

Relating to property and casualty certificates of insurance and approval of property and casualty certificate of insurance forms by the Texas Department of Insurance; providing penalties.

Adds Insurance Code Chapter 1811

Author: Carona Sponsor: Smithee

Requires Texas Department of Insurance approval of certificate of insurance (COI) forms for property and casualty insurance, and prohibits use of unapproved COI forms and authorizes insurance commissioner to promulgate related rules. Prohibits use of a COI to alter, amend, or extend coverage provided by the underlying policy. Mandates rejection of COI forms that are misleading or deceptive, or that violate state law or public policy. Provides for a 60-day review period, after which the form is deemed accepted unless previously approved or denied by the commissioner. Allows for exceptions to approval requirement, e.g., proof of homeowner's insurance provided to a

mortgage lender. Establishes provisions for enforcement and remedies.

Effective Date: September 1, 2011

Title 11. Title Insurance

House Bill 2408

Relating to title insurance.

Amends Insurance Code Chapters 2501, 2502, 2651, 2652, and 2703; Adds Insurance Code Sections 2501.009, 2651.3015, 2651.303, 2652.059, 2652.2015, 2652.203, 2703.0515, 2703.055, and 2703.056; Repeals Insurance Code Section 2703.205

Author: Darby

Sponsor: Harris

Allows Texas Department of Insurance (TDI) to accept gifts, grants, and donations enabling TDI employees to participate in title insurance-related educational events, and allows insurance commissioner to adopt rules regarding same. Allows title insurance companies and agents to provide continuing education at market rates. Makes minor changes to title insurance agent appointment and license renewal processes, with similar changes regarding escrow officers. Prohibits rejection, delay, or denial of an agent appointment based on a pending TDI audit of or pending disciplinary action against the agent or the appointing title insurance company, making exceptions for actions involving fraud or criminal activity; makes similar changes regarding escrow officer license applications and renewals. Eliminates requirement for a title insurer to provide an endorsement insuring against loss from surface use for mineral development because the policy contains a general exception or exclusion regarding same. Prohibits the commissioner from requiring that a title policy insure (i) against property damage sustained because of the severance of the mineral and surface estates; or (ii) ownership of a mineral estate. Allows a title insurance company to except from coverage a mineral estate or any instrument that purports to reserve or transfer any portion of a mineral estate. Permits title insurance trade associations to request a rate change hearing (said requests had been limited to title insurance companies and the office of public insurance counsel) and

establishes procedures with respect to such hearings.

Effective Date: September 1, 2011

Senate Bill 735

Relating to prohibition of certain extra hazardous coverages by title insurance companies.

Adds Insurance Code Section 2502.006

Author: Carona

Sponsor: Smithee

Prohibits coverage against loss or damage arising from: (1) preferences or preferential transfers under 11 U.S.C. §547; (2) fraudulent transfers under 11 U.S.C. §548, or under TEX. BUS. & COM. CODE §24.005 or another state's similar law; (3) fraudulent transfers under TEX. BUS. & COM. CODE §24.006 or another state's similar law; and (4) other coverage designated by the insurance commissioner by rule. Applies only to policies delivered, issued, or renewed on or after January 1, 2012.

Effective Date: September 1, 2011

Senate Bill 322

Relating to certain requirements for reinsurance contracts covering, and to certain restrictions regarding, title insurance policies issued in this state.

Amends Insurance Code Sections 2551.302 and 2551.305; Adds Insurance Code Section 2502.006; Repeals Insurance Code, Section 2551.303

Author: Carona

Sponsor: Deshotel

Prohibits insuring creditors against loss or damage arising from: (1) preferences or preferential transfers under 11 U.S.C. §547; (2) fraudulent transfers under 11 U.S.C. §548, or under TEX. BUS. & COM. CODE §24.005 or another state's similar law; (3) fraudulent transfers under TEX. BUS. & COM. CODE §24.006 or another state's similar law; and (4) other coverage designated by the insurance commissioner by rule, but prohibition applies only to policies delivered, issued, or renewed on or after January 1, 2012. Allows title insurers

under certain circumstances to use reinsurance carriers not authorized in Texas to engage in the business of title insurance (*i.e.*, if the non-admitted carrier has an out-of-state domicile, is authorized to engage in the business of title insurance in one or more other states, has a combined capital and surplus of \$20 million, and the insurance commissioner has not prohibited the transaction within 30 days of receiving written notice of same). Allows for use of a non-admitted carrier that does not meet the above-described criteria, subject to the insurance commissioner's approval upon application and hearing.

Effective Date: September 1, 2011

House Bill 2604

Relating to unencumbered assets held by title agents.

Amends Insurance Code Sections 2651.012 and 2651.158; Adds Insurance Code, Section 2651.0121

Author: Taylor Sponsor: Harris

Establishes criteria for a solvency account, in which a title insurance agent may accrue and hold its contingency reserves, and gives the insurance commissioner authority to promulgate rules regarding same. Allows contingency reserves below the statutory minimum for agents that maintain a solvency account. Requires solvency accounts to be (i) accessible only to the Texas Department of Insurance; (ii) funded by a minimum initial deposit and additional periodic deposits made at least quarterly, and (iii) audited annually. Accrued interest shall be paid to the agent maintaining the account, provided that a minimum balance is maintained, which minimum balance amount is determined by the population of the county in which the agent's principal office is located. Allows title insurance agents and direct operations to self-certify their annual escrow account audits.

Effective Date: May 24, 2011

Title 12. Other Coverage

Senate Bill 416

Relating to the amount of outstanding total liability of a mortgage guaranty insurer.

Amends Insurance Code Sections 3502.156(a) and (c); Adds Insurance Code, Sections 3502.156(d)-(j)

Author: Deuell Sponsor: Smithee

Allows insurance commissioner to grant exceptions to 25:1 limit on a mortgage guaranty insurer's risk-to-capital ratio (not to exceed 50:1), at the insurer's written request, for a period not to exceed two years, extendable on application, with a limit of six consecutive years. Outlines criteria under which said exceptions may be granted. Allows commissioner to engage accountants, actuaries, or other experts to assist in reviewing an exception request, at the insurer's expense.

Effective Date: May 10, 2011

LOCAL GOVERNMENT CODE

Title 2. Organization of Municipal Government

House Bill 2920

Relating to the authority of a governing body of a Type C general law city to adopt an ordinance to determine the manner of when commissioners run for elected office.

Amends Local Government Code Section 24.023

Author: Reynolds Sponsor: Hegar

(1) Enables governing body of a Type C general law city with over 10,000 pop. to determine if commissioners "may be elected in alternate years or in the same election year." (2) Requires use of uniform election dates.

Effective Date: September 1, 2011

House Bill 91

Relating to the extent of extraterritorial jurisdiction for certain municipalities.

Amends Local Government Code Section 42.021

Author: Cook Sponsor: Birdwell

Establishes extraterritorial jurisdiction (ETJ) radius of three miles for: (i) some modest-sized municipalities (20,000-29,000 pop.) and (ii) municipalities with 45,000+ pop. that border Trinity River.

Effective Date: September 1, 2011

Senate Bill 508

Relating to the extent of extraterritorial jurisdiction of certain less populous municipalities located on a barrier island.

Amends Local Government Code Section 42.021

Author: Lucio Sponsor: N/A

Limits the ETJ of certain cities (2,000+ pop., on a barrier island and within 30 miles of Mexico) so that it only extends one-half mile from the city boundaries “off a barrier island” (leaves ETJ radius at five miles on a barrier island).

Effective Date: June 17, 2011

House Bill 2902

Relating to the extraterritorial jurisdiction of certain municipalities.

Amends Local Government Code Sections 42.022 and 42.023; adds Local Government Code Section 42.0251

Author: Zerwas Sponsor: Hegar

(1) Allows a city’s ETJ to expand into another city’s ETJ as a result of annexation, if the two cities agree to an ETJ allocation allowing it. (2) Compels a specific general law municipality to release an area from its ETJ upon petition by owners.

Effective Date: June 17, 2011

Senate Bill 1082

Relating to strategic partnerships for the continuation of certain water districts annexed by a municipality and to certain restrictions on their use.

Amends Local Government Code Sections 43.0751 and 43.07515

Author: Hegar Sponsor: Laubenberg

(1) Expands class of water districts authorized to enter into a “strategic partnership agreements” with cities. (2) Restricts limited purpose annexation under such agreements to areas within city’s ETJ that are contiguous to city’s “corporate boundaries,” unless district consents to non-contiguous annexation. (3) Prohibits city from regulating fireworks outside of the municipality’s boundaries through a strategic partnership agreement.

Effective Date: September 1, 2011

Title 4. Finances

Senate Bill 1692

Relating to municipal and county budgets on the Internet.

Amends Local Government Code Section 111.069; Adds Government Code, Section 403.0116

Author: Lucio Sponsor: Alvarado

(1) Requires each county to post its approved budget on its website, if it has one. (2) Requires the state comptroller to provide a link on its website to each municipal and county website with budget information.

Effective Date: September 1, 2011

House Bill 2716

Relating to fees charged for the management and preservation of the county clerk’s records.

Amends Local Government Code Sections 118.0216, and 118.025

Author: Darby Sponsor: Carona

(1) Requires the fee collected for management and preservation of the county clerk’s records to be deposited into a separate account. (2) Requires interest earned to stay in the account.

(3) Requires a public hearing before adopting such a fee.

Effective Date: June 17, 2011

House Bill 2949

Relating to the administration of the collection improvement program.

Amends Local Government Code Sections 133.058 and 133.103, Code of Criminal Procedure Section 103.9933, Transportation Code Section 706.005

Author: Cook Sponsor: Eltife

(1) Broadens scope of law requiring certain cities and counties to implement programs to collect court costs, fees and fines (as broadened, it would cover all counties, not just those with 50,000+ pop.). (2) Makes county compliance voluntary. (3) Changes other provisions, including case definition, audits, reports and penalties.

Effective Date: September 1, 2011

Title 5. Matters Affecting Public Officers and Employees

House Bill 2002

Relating to the county ethics commission for certain counties.

Amends Local Government Code Chapter 161, various sections

Author: Marquez Sponsor: Rodriguez

(1) Staggers terms of appointed members of ethics commissions in certain counties (*e.g.*, El Paso). (2) Contains provisions for electing chairs, training members and administrative matters.

Effective Date: September 1, 2011

Title 7. Regulation of Land Use, Structures, Businesses, and Related Activities

Senate Bill 1789

Relating to platting requirements affecting subdivision golf courses in certain counties.

Amends Local Government Code Section 212.0155

Author: Patrick, Dan Sponsor: Bohac

Expands scope of special platting requirements for subdivision golf courses to include: (i) land inside boundaries of cities over 50,000 pop. located in certain defined counties, and (ii) land inside boundaries or ETJ of cities with 1,900,000+ pop.

Effective Date: June 17, 2011

House Bill 1643

Relating to the duration of a development agreement governing land in the extraterritorial jurisdiction of certain municipalities.

Amends Local Government Code Section 212.172

Author: Zerwas Sponsor: Hegar

Removes the 15-year limit on single terms of a development agreement affecting land in municipal extraterritorial jurisdiction (but keeps maximum overall limit at 45 years).

Effective Date: June 17, 2011

House Bill 2857

Relating to regulation of outdoor lighting in certain areas; providing a criminal penalty and for injunctive relief.

Adds Local Government Code Sections 229.051—229.055; Amends Local Government Code, various sections.

Author: Gallego Sponsor: Uresti

(1) Requires counties within 57 miles of the McDonald Observatory (and municipalities within such counties) to regulate outdoor

lighting. (2) Provides for standards, exemptions and enforcement.

Effective Date: January 1, 2012

House Bill 3096

Relating to cancellation of a subdivision by a commissioners court.

Amends Local Government Code Section 232.008

Author: Kolkhorst Sponsor: Carona

Allows a county to deny cancellation of a subdivision (regardless of when it is subdivided, or a plat was filed), if cancellation would “prevent the interconnection of proposed infrastructure to pending or existing development.”

Effective Date: June 17, 2011

Senate Bill 1760

Relating to notice of water and wastewater requirements before certain sales of certain residential properties.

Adds Local Government Code Section 232.0315

Author: Lucio Sponsor: Oliveira

Requires specific, prominent disclaimers and disclosures when counties sell tracts of five acres or less in areas subject to “colonias” rules (certain counties up to 100 miles from an international boundary).

Effective Date: September 1, 2011

House Bill 2266

Relating to fire code certificates of compliance.

Amends Local Government Code Section 233.064

Author: Smith, Wayne Sponsor: Patrick, Dan

(1) Allows county to issue “partial certificates of compliance” under fire code, for part of a building or complex being built in phases. (2) Allows county to issue conditional certificates, with notice to the owner and a reasonable time

to comply. (3) Provides that a building may not be occupied until county has issued a final, conditional or partial certificate of compliance.

Effective Date: September 1, 2011

Title 8. Acquisition, Sale, or Lease of Property

House Bill 782

Relating to a requirement that certain bond issuers obtain an appraisal of property that is to be purchased with bond proceeds.

Adds Local Government Code Sections 252.051 and 505.1041

Author: Davis, Yvonne Sponsor: Hinojosa

Provides that, prior to a municipality or a Type B (economic development) corporation purchasing property with bond proceeds, it must obtain an appraisal.

Effective Date: September 1, 2011

House Bill 3352

Relating to the sale of park land owned by certain municipalities.

Amends Local Government Code Section 253.001

Author: Smith, Wayne Sponsor: Gallegos

Exempts the conveyance of park land by certain municipalities (25,000 to 33,000 pop. located in a county with 3,000,000+ pop.) from the requirement to hold an election to approve such a conveyance.

Effective Date: June 17, 2011

House Bill 2584

Relating to authorizing certain municipalities to donate surplus real property of negligible or negative value to certain private persons.

Adds Local Government Code, Section 253.013

Author: Anderson, Rodney Sponsor: Harris

Allows certain municipalities (150,000 to 200,000 pop. and located in three counties) to donate certain “real property of negligible or negative value” to a private person who owns adjacent property.

Effective Date: June 17, 2011

Senate Bill 1393

Relating to the use of contracts by local governments to purchase electricity.

Amends Local Government Code Section 271.003

Author: Selliger Sponsor: Keffer

Amends the definition of “personal property” under the Public Property Finance Act to include electricity (apparently to give cities, counties, districts, etc. more flexibility in purchasing electricity and making contracts for electricity).

Effective Date: June 17, 2011

House Bill 345

Relating to limitations on awards in an adjudication brought against a local government entity for breach of contract.

Amends Local Government Code 271.153

Author: Kleinschmidt Sponsor: Wentworth

Clarifies that plaintiffs can recover interest in breach of contract actions against local government entities (refers to so-called “prompt payment law” interest rate).

Effective Date: September 1, 2011

House Bill 2770

Relating to the powers and duties of navigation districts, port authorities, and certain municipalities.

Amends Local Government Code Sections 271.181 (2) and (6), 271.182,; 271.186 (a) and (b), Water Code Sections 60.031, 60.101, 60.120 (a), 60.271 (f), 60.403, 60.4035 (a), 60.404 (a) and (b), 60.406 (a), 60.408 (h), 61.164 (c), 62.107 (a) and (c) 62.122, 63.178 (c), Adds

Water Code Section 60.124, Subchapter R, Chapter 60; Repeals Water Code 60.465

Author: Smith, Wayne/Callegari

Sponsor: Williams

Provides a number of changes relating to powers and duties of navigation districts, port authorities, and certain municipalities, including (i) expanding definition of “civil works projects” to include wharves, docks, navigation channels, and dredge material placement areas, (ii) modifying procedures for sale of land and ability to lease, (iii) adding provisions for handling of nuisances and pollution, (iv) providing that a district may accept a gift or donation from any source, (v) authorizing a district to have charitable contribution campaigns for employees and providing guidelines for such campaigns, (vi) authorizing destruction of surplus property that has no value, and (vii) provides that the Port of Houston Authority is subject to the Texas Sunset Act.

Effective Date: June 17, 2011

House Bill 2729

Relating to local government contracts with private entities for civil works projects and improvements to real property.

Adds Local Government Code Section 271.908

Author: Callegari Sponsor: Watson

(1) Enables a local government entity to contract with a private entity to act as the local government entity’s agent for design, development, financing, maintenance, operation or construction, etc. of “civil works projects” or improvements to real property. (2) Sets conditions for selecting such an agent. (3) Requires compliance with procurement laws.

Effective Date: June 17, 2011

House Bill 844

Relating to the sale or lease of property by certain municipalities owning land near the shoreline of certain lakes.

Amends Local Government Code Section 272.001

Author: Geren Sponsor: Nelson

Raises maximum population (from 575,000 to 825,00) for the class of municipalities authorized to sell land within 5,000 feet of a lake to a current tenant without public notice or bids.

Effective Date: June 17, 2011

House Bill 2690

Relating to authorizing local governments to convey real property interests to other local governments for less than fair market value.

Amends Local Government Code Section 272.001

Author: Deshotel Sponsor: Duncan

Authorizes local governments to donate or sell land (or an interest in land) to another political subdivision for less than fair market value, if it will be used for a public purpose benefitting the donating political subdivision, and there are protective terms (including a reverter in case the receiving political subdivision ceases to use the land for that public purpose).

Effective Date: June 17, 2011

Title 9. Public Buildings and Grounds

House Bill 1728

Relating to energy savings performance contracts and energy efficiency planning.

Amends Local Government Code Sections 302.001 and 302.004, Education Code Sections 44.901, 44.902 and 51.927, Government Code Section 2166.40

Author: Keffer Sponsor: Harris

(1) Extends applicability of “energy savings performance contracts” to both new and existing school facilities. (2) Allows school districts, community college districts, state agencies and local government entities to use many sources of funds for energy or water conservation measures (not just funds from cost savings). (3) Contains other provisions.

Effective Date: September 1, 2011

Title 10. Parks and Other Recreational And Cultural Resources

Senate Bill 803

Relating to venue projects in certain counties.

Adds Local Government Code Section 334.0083

Author: Hegar Sponsor: Hunter

(1) Expands the definition of “venue” to include various tourism development projects and water-related activities. (2) Authorizes certain counties to undertake a venue project (applies to of 40,000 or less pop. with a state park and national wildlife refuge).

Effective Date: June 17, 2011

House Bill 1040

Relating to the validation of the creation of, and certain acts related to, a venue project, and the dissolution of certain venue districts.

Adds Local Government Code Chapter 335, Subchapter G

Author: Gallego Sponsor: Uresti

Makes the changes only applicable to certain districts within a county whose population is less than 15,000. Authorizes the governing body that created the district to dissolve and transfer the district’s assets and liabilities to the county.

Effective Date: June 17, 2011

Title 11. Public Safety

House Bill 1174

Relating to the expiration of a county burn ban.

Amends Local Government Code Section 352.081

Author: Workman Sponsor: Wentworth

Provides that a county judge or fire marshal may lift a county burn ban if such authority is delegated by the commissioners court.

Effective Date: June 17, 2011

Title 12. Planning and Development

House Bill 707

Relating to the validation of certain governmental acts and proceedings of certain municipalities relating to certain public improvement districts.

Affects public improvements districts created under Local Government Code, Section 372

Author: Laubenberg Sponsor: Estes

Validates all governmental acts and proceedings under the Public Improvement District Assessment Act of a governing body of a municipality with a population of 500 or less according to the 2000 federal census. However, does not apply to (i) any act or proceeding the validity of which is the subject of litigation that is pending or (ii) an act or proceeding that, under state law at the time the act or proceeding occurred, was a misdemeanor or felony.

Effective Date: June 17, 2011

Senate Bill 422

Relating to the authority of a municipality or county to contract with another entity to collect certain assessments levied by the municipality or county.

Adds Local Government Code Section 372.0175

Author: Duncan Sponsor: Frullo

Authorizes cities and counties to contract with another taxing unit (or appraisal district) to collect special assessments.

Effective Date: June 17, 2011

Senate Bill 412

Relating to payment of costs of improvements of a public improvement district designated by a municipality or county.

Amends Local Government Code Section 372.023; Repeals Local Government Code, Section 372.023(f)

Author: West

Sponsor: Elkins

Adds flexibility for borrowing and paying costs of public facilities in public improvement districts.

Effective Date: June 17, 2011

Senate Bill 402

Relating to community land trusts.

Adds Local Government Code Sections 373B.001—373B.008; Adds Tax Code Section 11.1827; Amends Tax Code Sections 11.43 and 23.21

Author: West

Sponsor: Oliveira

(1) Enables cities and counties to set up non-profit “community land trusts” to provide affordable housing for low and moderate income residents. (2) Authorizes trusts to acquire land, then sell or lease housing units. (3) Restricts purchasers by incomes (below a percentage of area median family income). (4) Provides for tax exemptions for land owned by a trust, under certain circumstances.

Effective Date: January 1, 2012

Senate Bill 1234

Relating to municipal management districts.

Amends Local Government Code, various sections; Adds Local Government Code Sections 375.0921, 375.0922, 375.098, 375.209 and 375.282; Repeals Local Government Code Sections 375.021, 375.027 and 375.064(f)

Author: West

Sponsor: Dutton

Omnibus municipal management district bill: (1) Provides for annexing and excluding land from districts and dissolving districts. (2) Provides for road improvements and taxes for mass transit. (3) Provides for bonds and competitive bidding for public works contracts. (4) Authorizes districts in a city’s extraterritorial jurisdiction to enter into strategic partnership agreements with the city. (5) Repeals some limits on areas eligible for districts and restrictions on composition of boards.

Effective Date: September 1, 2011

House Bill 3597

Relating to the powers and duties of certain public improvement districts operated by counties.

Amends Local Government Code Sections 382.002 and 382.155; Adds Local Government Code Sections 382.113 and 382.155

Author: Larson Sponsor: Uresti

(1) Authorizes public improvement districts in certain counties (1,500,000+ pop.—with exceptions—and some adjacent counties) to annex or exclude land. (2) Expands provisions for using hotel occupancy taxes.

Effective Date: June 17, 2011

Senate Bill 520

Relating to the creation, administration, powers, and duties of a county assistance district.

Amends Local Government Code Chapter 387 various sections; Repeals Local Government Code, Section 387.010(d)

Author: Hegar Sponsor: Zerwas

Liberalizes provisions for county assistance districts (which can impose sales and use taxes), including provisions for multiple districts in one county, boundary changes, appointing an independent board, adjusting tax rate without another election, etc.

Effective Date: June 17, 2011

House Bill 2160

Relating to the governing bodies of certain local planning organizations

Amends Local Government Code Section 391.006

Author: Coleman Sponsor: West

Requires a regional planning commission of a region that is “consistent with the geographic boundaries of a state planning region” to offer an “ex officio”, nonvoting membership on the

governing body to a member of the legislature who represents the region.

Effective Date: June 17, 2011

House Bill 3302

Relating to the authority of certain Type A economic development corporations to undertake certain categories of projects.

Adds Local Government Code, Section 504.171

Author: Reynolds Sponsor: Hegar

Allows certain Type A corporations (those authorized by a city with 7,500 pop. or less, if the city also authorized a Type B corporation) to undertake any project that a Type B corporation can undertake, subject to revocation by the city.

Effective Date: June 17, 2011

Title 13. Water and Utilities

Senate Bill 609

Relating to the exemption of certain property from municipal drainage service charges and from related ordinances, resolutions, and rules.

Amends Local Government Code Section 552.053

Author: Rodriguez Sponsor: Gonzalez, Naomi

Adds an exemption from municipal drainage charges for municipal housing authorities located in a municipality with 500,000+ pop. located within 50 miles of a border.

Effective Date: June 17, 2011

House Bill 2207

Relating to a bill payment assistance program, and the authority of the board of trustees to set rates, for certain municipal utility systems.

Amends Local Government Code Sections 552.141 and 552.142, Government Code Section 502.056

Author: Oliveira Sponsor: Lucio

(1) Changes scope of existing law allowing some municipal utilities to assist delinquent ratepayers. (2) Changes provisions for utility boards of trustees in some municipalities. (3) Allows delegation of authority to boards to set rates and terms.

Effective Date: June 17, 2011

Senate Bill 1230

Relating to the construction and operation of combined heating and power facilities in certain municipalities.

Adds Local Government Code Section 552.913

Author: Estes Sponsor: Crownover

Authorizes certain home-rule cities (over 100,000 pop. with an electric utility that is a “member of a municipal power agency,” in a county adjoining a county over 2,000,000 pop.) to: (i) own and operate a combined heating and power plant, and (ii) designate “combined heating and power economic development districts” where city may sell gas to industrial customers.

Effective Date: May 9, 2011

Senate Bill 1596

Relating to changes in participation in public utility agencies.

Amends Local Government Code Chapter 572, various sections

Author: Wentworth Sponsor: Isaac

(1) Authorizes public entities participating in a public utility agency to add to or delete public entities from the agency. (2) Prescribes procedures.

Effective Date: June 17, 2011

NATURAL RESOURCES CODE

Title 2. Public Domain

Senate Bill 656

Relating to the abolition of the Coastal Coordination Council and the transfer of its functions to the General Land Office.

Amends Agricultural Code Section 201.026(g); Amends various Sections of Natural Resources Code Chapter 33

Author: Huffman Sponsor: Bonnen

Abolishes the Coastal Coordination Council and transfers its functions to the General Land Office; expands authority of Land Commissioner, and mandates various rules, guidance and actions in relation to the Coastal Management Program, including: (1) mandates that Commissioner implement a comprehensive Coastal Management Program in cooperation with agencies previously on the Council; (2) mandates that Commissioner establish the Coastal Coordination Advisory Committee to advise the Commissioner on matters relating to the Program; (3) requires that Commissioner no later than January 1, 2012, evaluate the functions, including any pending initiatives, membership, and usefulness of the Permitting Assistance Group and allows Commissioner to adopt rules as necessary to restructure, abolish, and expand the functions of or add members to the Permitting Assistance Group; (4) allows Commissioner by rule to establish and modify a process by which the agency may submit rules and rule amendments for review and certification to determine whether an action is consistent with the goals and policies of the Coastal Management Program; (5) provides that Commissioner may not review a consistency determination if a referral is requested, and provides specifics on referral process.

Effective Date: September 1, 2011

Title 3. Oil and Gas

House Bill 2663

Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry

on ordinances, orders or rules adopted by political subdivisions relating to that industry.

Adds Natural Resources Code Section 113.054.

Author: Chisum Sponsor: Seliger

Provides that the rules and standards promulgated and adopted by the Railroad Commission relating to the liquefied petroleum gas industry preempt and supersede any ordinance, order, or rule adopted by a political subdivision of the state relating to any aspect or phase of the liquefied petroleum gas industry. Allows political subdivision to petition commission for permission to promulgate more restrictive rules and standards if proven to enhance public safety.

Effective Date: September 1, 2011

Title 4. Mines and Mining

Senate Bill 1295

Relating to the mining and reclamation of certain land previously affected by surface coal mining operations.

Adds Natural Resources Code Sections 134.00(15-a) and 134.069(c); amends Natural Resources Code Sections 134.092(a) and 134.104.

Author: Hegar Sponsor: Beck

Provides that the Railroad Commission may not deny a permit application based on the applicant's prior violation of the Natural Resources Code requirements in connection with a surface coal mining operation conducted on previously mined land (land that was affected by surface coal mining prior to August 3, 1997 and that has not been reclaimed in accordance with the Natural Resources requirements) if the violation resulted from an event or condition that was not contemplated in the permit for that operation. Limits responsibility time periods under the performance standards for surface coal mining and reclamation operations relating to re-vegetation to 2 years if the land is previously mined land generally and to 5 years in the case of areas of the state where the annual average precipitation is 26 inches or less.

Effective Date: June 17, 2011

Senate Bill 1478

Relating to deadlines for the Railroad Commission of Texas to renew certain applications for surface coal mining operation permits.

Adds Natural Resources Code Sections 134.00(7-a) and Section 134.085; amends Natural Resources Code Section 134.080.

Author: Hegar Sponsor: Crownover

Provides specific time periods and process for Railroad Commission review, renewal and revision of applications relating to surface coal mining operation permits.

Effective Date: May 27, 2011

Title 8. Oil and Gas

Senate Bill 1044

Relating to authorizing counties to finance the acquisition of conservation easements.

Amendment Natural Resources Code Sections 183.052(8) and 183.059(b); Adds Natural Resources Code Section 183.006

Author: Watson Sponsor: Ritter

Authorizes a county to finance the acquisition of a conservation easement in the same manner as permitted for counties for the acquisition or improvement of land, buildings or historically significant objects for park purposes or for historic or prehistoric preservation purposes, or for acquisition of land and rights-of-way. Provides that a conservation easement financed under one of these methods may not be acquired by a county by eminent domain and is not subject to Local Government Code Section 331.007. Deletes a requirement that easement holders applying for a grant under the Texas Farm and Agriculture Commission Fund demonstrate that they are able to match 50% of the amount of the grant being sought.

Effective Date: June 17, 2011

OCCUPATIONS CODE

Title 2. General Provisions Related to Licensing

House Bill 3287

Relating to license renewals by the Texas Department of Licensing and Regulation.

Amends Occupations Code Sections 51.401(c) and (d)

Author: Giddings Sponsor: Carona

Allows licensee whose license has been expired less than 18 months (previously one year) to renew a license without re-taking exam by paying twice the normal renewal fee. Allows licensee whose license has been expired more than 18 months but less than 3 years to renew without re-taking exam, on approval of the executed director, by paying twice the normal renewal fee.

Effective Date: September 1, 2011

Title 6. Regulation of Engineering, Architecture, Land Surveying, and Related Practices

House Bill 2284

Relating to the practice of architecture and engineering.

Adds Occupations Code Chapters 1001, various sections, and 1051, various sections; Amends Occupations Code, Section 1051.703(b); Repeals Occupations Code, Sections 1001.216 and 1051.212

Author: Hardcastle Sponsor: Deuell

Provides that engineers may not engage in activities defined as the “practice of architecture” by the Code, including preparation of comprehensive building plans, subject only to certain exceptions, including if the plans are prepared under the supervision of an architect or the engineer has received administrative approval from the Texas Board of Architectural Examiners. Clarifies definitions of the “practice of engineering” and the “practice of

architecture.” Specifies activities that may be performed by either an architect or an engineer. Creates an intern development program for engineers who enroll in an accredited architectural professional degree program.

Effective Date: September 1, 2011

Title 7. Practices and Professions Related to Real Property and Housing

Senate Bill 747

Relating to the professions regulated by the Texas Real Estate Commission.

Amends Occupations Code Chapter 1101, various sections; Repeals Occupations Code, Section 1101.356(c)

Author: Carona Sponsor: Hamilton

Amends definition of “broker” to include individuals who control acceptance of rent from single-family dwelling resident and those who provide estimated prices of real property that is not an appraisal, but is provided in the person’s ordinary course of business and is related to the actual or potential acquisition or disposition of an interest in real property. Removes “appraisers” from the definition of “broker.” Allows the Texas Real Estate Commission (TREC) to solicit and accept gifts and donations from any source. Requires TREC to create examination benchmarks for each category of license it issues. Requires business entities to hold a license to act as a broker and maintain errors and omissions insurance. Changes various time frames for alternative broker license requirements and salesperson license requirements. Creates additional education requirements for license holders who supervise another license holder.

Effective Date: September 1, 2011

Senate Bill 1812

Relating to criminal history record information of certain applicants for a certificate of registration issued by the Texas Real Estate Commission.

Adds Occupations Code Section 1101.5041

Author: Nichols Sponsor: Hamilton

Requires that easement or right-of-way agents submit to criminal background checks in connection with applications for certification, as brokers and salespersons are currently required to do.

Effective Date: September 1, 2011

House Bill 2375

Relating to practices and professions regulated by the Texas Appraiser Licensing and Certification Board.

Adds Occupations Code Chapter 1103, various sections; Amends Occupations Code Chapter 1103, various sections; Repeals Occupations Code Sections 1103.208, and 1103.209(b)

Author: Hamilton Sponsor: Carona

Provides an additional requirement that any written analysis or opinion of value provided by a licensed broker or salesperson (as opposed to a licensed appraiser) may only be given in connection with the actual or potential acquisition, disposition, encumbrance or management of an interest in real property. Limits the discretion of the Texas Appraiser Licensing and Certification Board to deny the licensure application of out-of-state appraiser by requiring the Board to issue a reciprocal license if the applicant meets the criteria set forth in the Code. Expands disciplinary and oversight powers of the Board by allowing, *inter alia*, temporary suspension of licensure and the issuance of probationary certificates or licenses.

Effective Date: September 1, 2011

House Bill 1146

Relating to the registration and regulation of appraisal management companies; providing penalties.

Adds Occupations Code Section 1103.157 and Chapter 1104

Author: Kuempel Sponsor: Corona

Creates the Texas Appraisal Management Company Registration and Regulation Act,

which establishes standards and enforcement procedures related to appraisal management services in connection with residential properties with less than five (5) units. Unless registered under the Act, a person may not provide services or represent themselves as an appraisal management company and may face civil and criminal penalties for non-compliance. Requires applicants to submit applications and fees in accordance with the rules established by the Texas Appraiser Licensing and Certification Board. Specifies grounds for denial of an application, including if (i) any person controlling the company or owning more than 10% of it has had their appraiser's license or certification suspended or revoked within the prior 24 months; or (ii) an applicant has demonstrated incompetency, untrustworthiness or can no longer perform appraisal management services in good faith. Prohibits registered companies from knowingly employing or entering into a business relationship with any person or entity that has previously had their appraiser's license denied, revoked or surrendered in lieu of revocation. Requires any appraisal management company having a reasonable belief that an appraiser is failing to comply with the uniform standards of professional appraisal practice or otherwise engaging in unethical or unprofessional conduct to report such conduct to the Board. Allows the Board to issue reprimands, suspend or revoke licenses, or impose administrative penalties in an amount not to exceed \$10,000 for each violation of the Act or any related rule adopted by the Board. Prohibits an appraisal management company from: 1) attempting to cause the appraised value to be based on any factor other than the appraiser's independent judgment; 2) causing a mischaracterization of the appraised value in a consumer credit transaction; 3) seeking to influence an appraiser to provide a targeted or desired value to facilitate a consumer credit transaction; or 4) requesting estimated values or comparable sales figures before the appraisal has been completed. Provides procedures for any person to file a written complaint with the Board, upon receipt of which an investigator designated in accordance with the Act must review and investigate and then produce a written report, detailing statements of fact and making recommendations to the Board. Based upon the investigator's recommendations,

the Board may (i) order further investigation; (ii) determine there is not probable cause to believe a violation has occurred; or (iii) determine that there has been a violation and impose penalties accordingly.

Effective Date: September 1, 2011

Senate Bill 1000

Relating to self-directed and semi-independent status of the Texas Real Estate Commission; making an appropriation.

Adds Occupations Code Chapter 1105; Amends Occupations Code Sections 1101.059(c) and 1101.101(d); Repeals Occupations Code Section 1103.103(b)

Author: Eltife Sponsor: Geren

Establishes the self-directed with semi-independent status of the Texas Appraiser Licensing and Certification Board (TALCB) and the Texas Real Estate Commission (TREC), but does not affect TALCB's status as an independent subdivision of TREC. Requires that each entity adopt an annual budget and fund its operations from licensing and other fees, without causing the general revenue fund to incur any costs. Clarifies that independent status will not affect employees' membership in the State's retirement system. Appropriates funds to facilitate the transition and requires TREC to relocate to state owned office space by September 1, 2011.

Effective Date: September 1, 2011.

House Bill 1510

Relating to the regulation of manufactured housing.

Amends Occupations Code Chapter 1201, various sections; Repeals Occupations Code Sections 1201.2055(f) and 1201.206(d)

Author: Hamilton Sponsor: Carona

Requires notification of a real property election be delivered to the county's chief tax appraiser, as opposed to the county's tax assessor or collector, to perfect such election. Provides that once a real property election has been perfected, no additional statement of ownership and

location will be required (e.g., for a change of ownership), unless the home is moved or the election or use thereof changes. Allows Texas Department of Housing and Community Affairs (TDHCA) to release a lien against a manufactured home upon request of the lienholder, without requiring the homeowner's consent. Expands definition of "abandonment" to include non-payment of rent under a lease between a landowner and a manufactured homeowner.

Effective Date: September 1, 2011

Title 12. Practices and Trades Related to Water, Health, and Safety

House Bill 2507

Relating to the offense of installing an irrigation system without a license.

Adds Occupations Code Section 1903.256

Author: Chisum Sponsor: Seliger

Makes installation of an irrigation system without a license a Class C misdemeanor unless the person installing is exempt from licensing under Section 1903.002.

Effective Date: September 1, 2011

PARKS AND WILDLIFE CODE

Title 2. Parks and Wildlife Department

House Bill 1300

Relating to funding for state sites and programs of the Parks and Wildlife Department through private contributions and partnerships and to commercial advertising on certain state sites.

Adds Parks and Wildlife Code Sections 11.221-11.226; adds Parks and Wildlife Code Sections 13.0151, 13.0155, and 13.103

Author: Guillen Sponsor: Eltife

Authorizes the Texas Parks and Wildlife Department to contract with or conduct joint promotional campaigns or fundraisers with for-profit entities to raise money. The for-profit entity may accept contributions, gifts, grants and

promotional campaign proceeds on behalf of the Department or provide contributions, gifts, grants and promotional campaign proceeds to the Department. Money received from the Department under this amendment may be used only for operation and maintenance of state parks, natural areas, wildlife management areas, fish hatcheries or historic sites under the Department's jurisdiction or other priority projects or programs.

Permits the Department to contract with an entity (a) to sell state park passes in retail locations belonging to the entity or (b) to license the Department's brand in exchange for licensing fees.

Permits the commission to prohibit inappropriate commercial advertising in state parks, natural areas, wildlife management areas, fish hatcheries or other historic sites under the Department's jurisdiction in order to reduce distractions and preserve the integrity of the sites.

Effective Date: May 28, 2011

House Bill 1449

Relating to certain right-of-way easements on land owned by the Parks and Wildlife Department.

Adds Parks and Wildlife Code Section 11.301; Amends Natural Resources Code Section 34.002(a); Amends Natural Resources Code Section 34.064(c)

Author: Guillen Sponsor: Hegar

Permits the Texas Parks and Wildlife Commission to grant, lease or renew right-of-way easements on land owned by the Texas Parks and Wildlife Department for (1) public roadways; (2) electric lines and pipelines; (3) electrical substations and equipment stations; and (4) utilities or roadways for the operation of the Department's facilities. The Commission may not grant or lease such an easement unless it receives fair market value as consideration, provided, however, that fair market value is not required if the grant or lease of the easement is: (1) a state highway easement to the Texas Department of Transportation; (2) a roadway easement to a county for connecting roads

between state highways; (3) for utility providers to serve Department facilities and (4) roadway easements to a city or county to provide roadways for Department facilities. A grant or lease of an easement must contain a full reservation of all minerals under the land.

Effective Date: June 17, 2011

Title 5. Wildlife and Plant Conservation

House Bill 716

Relating to the taking of certain feral hogs and coyotes using a helicopter.

Adds Parks and Wildlife Code Section 43.1075.

Author: Miller Sponsor: Fraser

Permits certain landowners or their agents to use a helicopter to hunt feral hogs or coyotes pursuant to a permit issued by the Parks and Wildlife Commission.

Effective Date: September 1, 2011

PENAL CODE

Title 7. Offenses Against Property

Senate Bill 1024

Relating to the prosecution of the offense of theft of service.

Amends Penal Code Section 31.04

Author: Rodriguez Sponsor: Rodriguez, Eddie

Addresses wage theft when workers receive periodic or partial payment of wages. Adds that the intent to avoid payment for a service may be formed at any time during or before a pay period if the compensation is to be paid on a periodic basis. Further adds that partial payment of wages alone is not sufficient evidence to negate the actor's intent to avoid payment for a service.

Effective Date: September 1, 2011

House Bill 1215

Relating to the unauthorized acquisition or transfer of certain financial information.

Adds Penal Code Section 31.17; Amends Code of Criminal Procedure Article 2.295

Author: McClendon Sponsor: Uresti

Covers checks, credit cards, debit cards, financial sight orders, and payment cards. A person commits an offense if the person, knowing he is not entitled to obtain or possess key financial information, nevertheless obtains it electronically or through any device that can access, read, record, copy, capture, scan or reproduce and then transfers it to a third party. It is a Class B Misdemeanor to obtain the information and a Class C Misdemeanor to transfer it to a third party. The Code of Criminal Procedure amendment requires peace officers who receive complaints of such acquisitions and transfers to report them to their employing agency. Although the report must include the name of the victim, the suspect, the type of financial information obtained, it must “redact” any “confidential” information. The bill allows prosecutions either in the county where the offense was committed or in the county of residence of the victim.

Effective Date: September 1, 2011

House Bill 1529

Relating to the offense of fraudulent use or possession of indentifying information.

Amends Penal Code Section 32.51(a)(1)

Author: Miller, Sid Sponsor: Wentworth

Clarifies that misuse of a social security number or other government-issued identification number is a punishable offense.

Effective Date: September 1, 2011

PROBATE CODE

Chapter I. General Provisions

Senate Bill 1198

Relating to decedents' estates.

Amends Probate Code, various chapters

Author: Rodriguez Sponsor: Hartnett

Amends various sections of the probate code with substantive changes affecting decedents' estates including, but not limited to, (1) independent administration, (2) jurisdiction, (3) venue, (4) charitable trusts, (5) various deadlines for filing, (6) recognition for self-proved foreign wills with definition, (7) grants power of sale of real property in situations where executor or administrator would not have authority if all beneficiaries of the sale consent in the application for independent administration or in their consents to the independent administration, (8) defines power of sale for independent executor and protections for bona fide purchasers and heirs and devisees, (9) adds additional information required to create and effective Notice of Claim against an estate, and recording requirements for claims secured by real property and requirement for Matured Secured Claims.

Effective Date: September 1, 2011

Chapter VIII. Proceedings During Administration

House Bill 2492

Relating to the family allowance, treatment of exempt property, and an allowance in lieu of exempt property in the administration of a decedent's estate.

Amends Probate Code, various sections

Author: Naishtat Sponsor: Uresti

Adds provisions for adult incapacitated children, and/or their representative to various Probate Code sections relating to the family allowance, treatment of exempt property, and an allowance in lieu of exempt property in the administration of a decedent's estate.

Effective Date: September 1, 2011

Chapter XIII. Guardianship

Senate Bill 481

Relating to the removal of a guardian of an incapacitated person ordered by a court.

Amends Probate Code Sections 761 & 762

Author: Harris Sponsor: Jackson

Requires notice to be personally served on a removed guardian no later than seven days after the order of removal is signed. Lists items to be included in notice of removal of guardian, including statutory language regarding contesting removal. Extends time period to file for reinstatement from 10 to 30 days. Requires that a hearing on an application for reinstatement be held within 60 days after the order of removal. Amends current law relating to removal of a guardian of an incapacitated person ordered by a court.

Effective Date: September 1, 2011

PROPERTY CODE

Title 2. Conveyances

Senate Bill 1496

Relating to the scope and validity of correction instruments in the conveyance of real property.

Amends Property Code Chapter 5, various sections

Author: Uresti Sponsor: Anderson, Rodney

Amends correction instrument provisions to allow a person with personal knowledge to execute the correction instrument to make nonmaterial changes resulting from clerical errors including an incorrect element in a legal description and a correction of a party's name or marital status. The correction instrument with the nonmaterial correction must disclose the basis for the person's personal knowledge of the facts and must be sent to all individuals who executed the original conveyance document. Material corrections include a buyer's disclaimer of an interest in real property, a mortgagee's consent or subordination to a recorded document or identifying a lot or unit of property owned by the grantor that was inaccurately identified as another lot or unit that was also owned by the grantor. Material corrections must be executed by each party to the original recorded instrument of conveyance or his/her respective heirs. Does not allow correction instruments to correct the

error of omitting real property not originally conveyed in a Chapter 51 foreclosure sale unless the conveyance otherwise complies with all requirements of Chapter 51. A correction instrument is effective as of the effective date of the original conveyance and is prima facie evidence of the facts stated in the correction instrument.

Effective Date: September 1, 2011

House Bill 3389

Relating to a seller's disclosure of natural or liquid propane gas on residential real property.

Amends Property Code Section 5.008(b)

Author: Workman Sponsor: Watson

Amends Seller's Disclosure Notice provided to purchaser of residential real property to include disclosure of natural and liquid propane gas lines on the property.

Effective Date: September 1, 2011

Senate Bill 710

Relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

Amends Property Code Section 5.008(b)

Author: Van de Putte Sponsor: Menendez

Amends Seller's Disclosure Notice provided to purchaser of residential real property to include disclosure of the existence of a single blockable main drain in a pool, hot tub or spa, and warns that a single blockable main drain may cause a suction entrapment hazard.

Effective Date: September 1, 2011

House Bill 8

Relating to prohibiting certain private transfer fees and the preservation of private real property rights; providing penalties.

Adds Property Code Chapter 5, Subchapter G; Repeals Property Code Section 5.017

Author: Darby Sponsor: Harris

Provides that a private transfer fee obligation (defined as an amount of money, regardless of the method of determining the amount, that is payable on the transfer of an interest in real property or payable for a right to make or accept a transfer) created on or after the effective date of the subchapter is not binding or enforceable against a subsequent owner or subsequent purchaser of an interest in real property and is void. Provides for various exclusions, including consideration paid by a purchaser to a seller, including additional consideration paid to a seller for the property's appreciation, development, or subsequent sale, if the additional consideration is paid only once and that payment does not bind successors in interest to the property to any private transfer fee obligation; a commission paid to a licensed real estate broker, including an additional commission for the property's appreciation, development, or subsequent sale; interest, fees, charges or other payments to a lender under a loan secured by a mortgage on the property, including a fee payable for the lender's consent to an assumption of the loan or transfer of the property subject to the mortgage; rent, reimbursement or another type of payment to a lessor under a lease, including a fee for consent to an assignment, sublease or encumbrance of a lease; consideration paid to a holder of an option to purchase an interest in property, or to the holder of a right of first refusal or first offer to purchase, for waiving, releasing, or not exercising the option or right when the property is transferred to another person; and dues, fees, charges, assessments, fines or other payments paid under restrictive covenants, including a fee or charge payable for a change of ownership entered in the records of or an estoppel letter or resale certificate issued by certain property owners' associations. Permits the continuation of existing private transfer fee obligations but requires that a notice be filed for record on or before January 31, 2012, and every third anniversary thereafter disclosing certain information regarding the fee. Provides that a failure to file such notice results in the private transfer fee obligation becoming void. Provides that if payment is not accepted by the payee of an existing private transfer fee within thirty days after payment is made, then the private transfer fee obligation becomes void. Prohibits the

waiver of a purchaser's rights under the subchapter. Allows the attorney general to institute an action for injunctive or declaratory relief to restrain a violation of the subchapter or institute an action for civil penalties against a payee for a violation of the subchapter. Repeals the existing section of the Property Code that prohibits fees for the future conveyance of residential real property.

Effective Date: June 17, 2011

Title 3. Public Records

Senate Bill 1187

Relating to the effect of indexing notices of *lis pendens*.

Amends Property Code Section 13.004

Author: Watson Sponsor: Hartnett

Requires *lis pendens* to be indexed by county clerk, not simply filed of record, in order to be effective.

Effective Date: September 1, 2011

Title 4. Actions and Remedies

Senate Bill 18

Relating to the use of eminent domain authority.

Amends Property Code Chapter 21, various sections, Government Code Chapters 552 and 2206, Transportation Code Section 202.021, Water Code Section 54.209

Author: Estes, Duncan, et al. Sponsor: Geren, Oliveira, Kleinschmidt

- Adds provision that entity may not take private property through the use of eminent domain if the taking is not for a public use.
- Adds limitations on easements acquired by an entity for an oil and gas pipeline.
- Adds statute providing for Truth in Condemnation Procedures Act, which applies only to use of eminent domain by a governmental entity. Requires a public meeting and record vote of the motion regarding the property to be condemned. While an ordinance or

resolution adopted by the governmental entity must identify the general area to be covered by the project or route, it is not required to identify specific properties that will be acquired.

- Requires entities submit to the comptroller a letter by December 31, 2012, stating the entity is authorized to exercise power of eminent domain and identifying each section of law that grants this authority. Otherwise, the entity's authority to exercise eminent domain expires September 1, 2013.
- Broadens Property Code Chapter 21 to eminent domain from being limited to governmental entities to applying to all entities with eminent domain authority.
- Requires entities wishing to acquire real property for public use to submit to property owner an offer in writing to purchase or lease the property along with appraisal reports prepared in the 10 years preceding the date of the offer. However, a subsequent provision in the bill requires disclosure of appraisal reports to property owner at a later date.
- Adds requirements that an entity's petition to begin condemnation proceedings be sent to the property owner and state with specificity the public use for the property and that a bona fide offer was made to the property owner. Details what is considered a bona fide offer. Failure to make bona fide offer may result in costs and attorney's fees and other fees in eminent domain proceeding in court.
- Modifies deadlines in cases to assess damages in condemnation. Allows each party to strike one of three special commissioners appointed by judge in assessment of damages case.
- Includes as a possible injury to a property owner a direct access impairment that affects the market value of the remaining property.
- Provides for repurchase options for property owners whose property has been acquired through eminent domain.

Effective Date: September 1, 2011

House Bill 1111

Relating to a tenant's failure to pay rent during an appeal of an eviction for nonpayment of rent after filing a pauper's affidavit.

Amends Property Code Sections 24.004, 24.0053 and 24.0054

Author: Hartnett Sponsor: Harris

Provides that if a tenant files a pauper's affidavit to appeal an eviction for nonpayment of rent, the justice court shall provide to the tenant a notice at the time pauper's affidavit is filed that contains in bold or conspicuous type the amount of the initial deposit of rent stated in the judgment that the tenant must pay into the justice court registry, in what manner the initial deposit must be paid, the calendar date by which payment must be made (five days of the date the tenant files the pauper's affidavit), the time the court closes if it closes before five p.m., and a statement that failure to pay the required amount by the required date may result in a writ of possession without hearing. Requires a justice court to immediately issue a writ of possession, without hearing, during an appeal of an eviction for nonpayment of rent if a tenant fails to pay the required initial rent deposit into the justice court registry within five days of the date the tenant filed a pauper's affidavit, and certain other requirements have been satisfied. Requires the sheriff or constable to execute a writ of possession upon the issuance of such writ by the justice court. Specifies the procedure and requirements for the justice court to forward the transcript and original papers in an appeal of an eviction suit to the county court. Expands the jurisdiction of a justice court to include the issuance of a writ of possession in the circumstances described above.

Effective Date: January 1, 2012

House Bill 1127

Relating to notice of relief available to certain members of the military required to be provided in certain real property documentation.

Amends Property Code Sections 24.0051(d), 51.002 and 209.006(b)

Author: Gutierrez Sponsor: Van de Putte

Adds language to the required statutory notice in the citation for a suit to recover possession of leased premises (an eviction suit) to inform a tenant who is serving on active military duty that the tenant may have special rights or relief under federal law, including the Servicemembers Civil Relief Act, or state law. Specifies that the added language must be in English and Spanish and in conspicuous bold print. Requires that a foreclosure notice served on a debtor pursuant to a power of sale contain language urging a debtor or a debtor whose spouse is serving on active military duty to send notice of the active military service to the sender of the notice immediately. Expands the elements of a notice required prior to a property owners' association suspending the rights of, bringing suit against, charging, or levying a fine against an owner to include language informing the owner that it may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act, if the owner is serving on active military duty.

Effective Date: January 1, 2012

Title 5. Exempt Property and Liens

Senate Bill 101

Relating to the regulation of nonjudicial foreclosure on residences owned by certain members of the military, including foreclosures by a property owners' association.

Amends Property Code Sections 51.002 and 51.015

Author: Van de Putte Sponsor: Farias

Requires notice of foreclosure to include conspicuous bold and underlined statement, an example of which is given in the bill, that active members of the military or the National Guard of any state or their spouses should contact the sender of the foreclosure notice immediately. Adds 'lien securing payment of an assessment' to the provisions requiring a stay of foreclosure proceedings for members of the military on active duty or nine months after their active duty concludes.

Effective Date: September 1, 2011

Senate Bill 1233

Relating to the promotion of efficiencies in and the administration of certain district court and county services and functions.

Adds Property Code Section 51.0022

Author: West Sponsor: Coleman

Requires a person filing notice of a foreclosure sale of residential property to submit to the county clerk a completed form that provides the zip code for the property. On completion of a foreclosure sale any real property, requires the trustee or sheriff to submit to the county clerk a completed form stating whether the property is residential and the zip code of the property. The county clerk must, within 30 days after receipt of a form under this new section, transmit the form to the Texas Department of Housing and Community Affairs (TDHCA). TDHCA must prescribe the forms to be used under this new section. Requires TDHCA to report information received under this section to the legislature quarterly.

Effective Date: June 17, 2011

House Bill 1390

Relating to retainage under certain construction contracts.

Amends Property Code Chapter 53, various sections

Author: Deshotel Sponsor: Estes

Changes the time period for a derivative claimant to give notice to an owner of contractual retainage to the earlier of the thirtieth day after the date the claimant's agreement providing for retainage is completed, terminated or abandoned, or the thirtieth day after the date the original contract is terminated or abandoned. Modifies the contents of the notice to be given by the derivative claimant. Provides that a claimant has a lien on retainage if it gives the above notice and either complies with the requirements of the retainage subchapter or files an affidavit claiming a lien not later than the earliest of the fifteenth day of the fourth calendar month after the day on which the indebtedness accrues, the fortieth day after the

date of completion, termination or abandonment of the original contract, or the thirtieth day after the date the owner sent to the claimant a written notice of demand for the claimant to file the affidavit claiming a lien.

Effective Date: September 1, 2011

House Bill 1456

Relating to the waiver and release of a mechanic's, contractor's, or materialman's lien or payment bond claim and to the creation of a mechanic's, contractor's, or materialman's lien for certain landscaping.

Amends Property Code Sections 53.021(d), 53.085(c); Adds Property Code, Chapter 53, Subchapter L

Author: Orr Sponsor: Deuell

Specifies that a waiver and release of a mechanic's, contractor's, or materialman's lien or a payment bond claim is enforceable only if the waiver and release substantially complies with one of the prescribed forms in the subchapter, the waiver and release is signed by the claimant or the claimant's authorized representative and notarized, and in the case of a conditional release, evidence of payment to the claimant exists. Specifies that a statement purporting to waive, release, or otherwise adversely affect any lien or payment bond claim is enforceable only if the waiver and release substantially complies with one of the prescribed forms in the subchapter, the claimant has actually received payment in good and sufficient funds in full for the lien or payment bond claim, or the statement is in a written original contract or subcontract for the construction, remodel or repair of a single-family house, townhouse or duplex or for the development of same and made before labor or materials are provided under the original contract or subcontract. Provides that a person may not require a claimant or potential claimant to execute an unconditional waiver and release for a progress payment or final payment amount unless the claimant or potential claimant received payment in that amount in good and sufficient funds.

Effective Date: January 1, 2012

Senate Bill 539

Relating to the award of costs and attorney's fees in certain proceeding concerning mechanic's, contractor's, or materialman's liens.

Amends Property Code Section 53.156

Author: Carona Sponsor: Kleinschmidt

Changes court's award of attorney's fees and costs in proceedings to foreclosure a mechanic's, contractor's or materialman's lien from permissive (the court may award costs and reasonable attorney's fees) to mandatory (the court shall award costs and reasonable attorney's fees). This does not apply to a residential construction contract.

Effective Date: September 1, 2011

Senate Bill 328

Relating to notice of a hospital lien.

Amends Property Code Section 55.005

Author: Carona Sponsor: Deshotel

Requires hospital or emergency services provider to provide notice by regular mail to injured individual within five days of the hospital or emergency services provider filing lien with county clerk. Notice must state the lien attaches to cause of action or claim the individual may have against another person for the individual's injuries and that the lien does not attach to the individual's real property. Failure to receive notice does not invalidate the lien. This notice may also be presented by the emergency medical services provider at the time services are rendered if notice is included on the authorization form in a separate paragraph in bold and in 14-point type and it is signed by the injured individual or his/her representative if consent for emergency care is required.

Effective Date: September 1, 2011

Senate Bill 690

Relating to the enforcement of a self-service storage facility lien; providing a penalty.

Amends Property Code Chapter 59, various sections, and Section 70.006, Transportation Code

Author: Carona Sponsor: Miller, S.

- Amends notice of claim provisions sent to lessee related to lessee's default under self-service storage facility agreements to require a conspicuous, bold-type statement requesting members in military service to contact lessor immediately. Notice of claim may be given in person, by verified mail (any method of mailing that provides evidence of mailing) or by e-mail if the written rental agreement stipulates in conspicuous, underlined or bold print that notice may be given by e-mail. The lessor may require written proof of tenant's military service.
- Repeals Property Code 59.047, related to sale of motor vehicles, motorboats or outboard motors as a result of lessee's default under a self-service storage facility agreement, which allows, but does not require, lienholders to follow notice requirements in Property Code 70.006. Adds section to this chapter stating motor vehicles, motorboats, vessels and outboard motors are covered by this chapter. Clarifies that notice requirements for foreclosing on motor vehicle, motorboat, vessel or outboard motor as a result of lessee's default under a self-service storage facility agreement will be covered under Property Code Chapter 59.
- Requires lessor to give written notice of sale to last known owner and each lienholder with lien recorded not later than 30 days after lessor takes possession of the motor vehicle, motorboat, vessel or outboard motor as a result of lessee's default under a self-service storage facility agreement.

Effective Date: January 1, 2012

Senate Bill 889

Relating to assignment of rents to holders of certain security interests in real property.

Adds Property Code Chapter 64; Amends Business & Commerce Code Section 9.109

Author: Carona Sponsor: Davis, Sarah

Enforceable security instruments (meaning a deed of trust, mortgage, or other contract lien on an interest in real property) create an assignment of rents unless the security instrument provides otherwise. The assignment of rents is a security interest in all accrued and unaccrued rents and exists regardless of the form of the document granting the assignment of rents. The security interest in the rents is perfected upon recording the assignment of rents. The assignee may enforce the assignment of rents by providing demand notice to the assignor that all rents assignee is entitled to collect be sent to assignee or by providing notice, a form of which is provided in Chapter 64, to the tenant that all rents be sent to assignee. Forwarding rents to the assignee after tenant receives demand from assignee satisfies the tenant's obligations under the lease. Stipulates order for assignee to apply received rents. Without agreement stating otherwise, subordinate creditor that has enforced its interest and collected rents prior to notice from the priority assignee is not obligated to return proceeds. An assignee's perfected security interest in rents means the assignee has a perfected security interest in identifiable cash proceeds.

Effective Date: June 17, 2011

Title 6. Unclaimed Property

House Bill 257

Relating to certain unclaimed property that is presumed abandoned.

Amends Property Code, Chapters 72, 73 and 74, various sections

Author: Hilderbran Sponsor: Patrick, Dan

Provides that a utility deposit is presumed abandoned on the latest of eighteen months after the date a refund check for the utility deposit was payable to the owner of the deposit, eighteen months after the date the utility last received documented communication from the owner of the utility deposit, or eighteen months

after the date the utility issued a refund check and a claim to the check has not been asserted or an act of ownership by the payee has not been exercised. Details special provisions for utility deposits for those in military service. Overrides the general time period of three years for a check to be presumed to be abandoned. Shortens the time period for a money order to be presumed to be abandoned from seven years to three years. Increases the permitted service, maintenance or other charges on a money order prior to the date of presumed abandonment from fifty cents per month to one dollar per month. Shortens the time period for a checking or savings account or a matured certificate of deposit to be presumed to be abandoned from five years to three years. Moves up the annual filing dates of reports to be filed with the comptroller after January 1, 2013, by holders of property that is presumed abandoned.

Effective Date: September 1, 2011

Senate Bill 1368

Relating to the authority of a co-owner of residential property to encumber the property.

Adds Property Code Chapter 64

Author: West Sponsor: Deshotel

Allows a co-owner who has occupied property for more than five years, paid all ad valorem taxes without contribution from co-owner, and who has a homestead exemption on the property, to file affidavit in county clerk's office to establish authority to act as agent and attorney-in-fact for other co-owner for purposes of entering into mechanic's and materialman's lien and deed of trust lien. Occupying co-owner would be sole obligor of any note.

Effective Date: June 17, 2011

House Bill 650

Relating to property held by certain junior colleges and presumed abandoned.

Amends Property Code Section 76.001

Author: Castro Sponsor: Uresti

Expands the chapter applicable to school districts, municipalities and counties in connection with abandoned property to include any junior college whose governing board has taken formal action to opt to handle abandoned property in accordance with the chapter.

Effective Date: June 17, 2011

Title 7. Condominiums

House Bill 364

Relating to condominiums in certain municipalities, including the exercise of eminent domain authority by those municipalities with respect to certain condominiums.

Amends Property Code Section 82.118 and Government Code Section 2206.001; Adds Local Government Code Chapter 214, Subchapter I

Author: Turner, Sylvester Sponsor: Ellis

Requires a condominium owner in a municipality with a population of more than 1.9 million to provide its new address to the appraisal district in which the condominium is located no later than the ninetieth day after the date the unit owner changes its mailing address. Requires a condominium information statement to include a statement of the above requirement. Permits a municipality with a population of more than 1.9 million to take, until December 31, 2016, a condominium through the use of eminent domain for the purpose of eliminating urban blight if the real property on which the condominium sits presents the following conditions, for at least one year after the date on which notice of the conditions is reasonably attempted to be provided to the property owners: all lawful occupation of or construction activity for the condominium has ceased; the property contains uninhabitable, unsafe, and unsanitary units that are not fit for their intended use or that contained such units that were demolished in accordance with a court order; and the property has been the location of substantiated and repeated illegal activity of which the property owner knew or should have known. Permits a taking of private property through the use of eminent domain for economic development purposes if the economic development is a

secondary purpose resulting from the elimination of urban blight as provided above.

Effective Date: September 1, 2011

Title 8. Landlord and Tenant

House Bill 1168

Relating to smoke alarms and fire extinguishers in residential rental units.

Amends Property Code Chapter 92, various sections; Repeals Property Code, Section 92.256

Author: Miller, Doug Sponsor: Van de Putte

Changes the term used in the chapter from smoke detector to smoke alarm. Changes the standards for determining whether the replacement of battery powered smoke alarms with smoke alarms powered by alternating current is required by increasing the threshold for the costs of repairs, remodeling, rebuilding or additions involved and adding a requirement that repair, remodeling or rebuilding results in the removal of interior walls or ceiling finishes exposing the structure or the interior of the unit provides access for building wiring without the removal of interior walls or ceiling finishes. Changes the required locations for the installation of smoke alarms. Requires a landlord or the landlord's agent to inspect certain fire extinguishers at the beginning of the tenant's possession and within a reasonable time after receiving a written request by a tenant. Specifies the requirements for such an inspection. Requires the landlord to repair or replace at the landlord's expense a fire extinguisher that is found on inspection not to be functioning or not to have the correct pressure, or a tenant has notified the landlord that the tenant has used the fire extinguisher for a legitimate purpose. Provides that if a tenant or the tenant's invited guest removes, misuses or damages a fire extinguisher, the landlord is not required to repair or replace the fire extinguisher at the landlord's expense, and the landlord is required to repair or replace the fire extinguisher within a reasonable time if the tenant pays in advance the reasonable repair or replacement cost. Repeals Property Code Section 92.256 addressing installation of smoke alarms in units

constructed or occupied before September 1, 1981.

Effective Date: September 1, 2011

House Bill 1862

Relating to a tenant's remedies regarding a local government's revocation of a certificate of occupancy due to a landlord's failure to maintain the premises.

Adds Property Code Section 92.023

Author: Anchia Sponsor: West

Provides remedies to a tenant if a municipality or a county revokes a certificate of occupancy for a leased premises because of a landlord's failure to maintain the premises. Makes the landlord liable for the full amount of the tenant's security deposit, the pro rata portion of any rental payment paid in advance by the tenant, the tenant's actual damages, including moving costs, utility connection fees, storage fees and lost wages, and court costs and attorney's fees. Requires that the tenant not be in default under the lease. Applies only to leases entered into on or after September 1, 2011.

Effective Date: September 1, 2011

Title 9. Trusts

Senate Bill 1197

Relating to trusts.

Adds Property Code Sections 112.010(c-3), 112.057(e)-(f), 115.002(c-1); Amends Property Code Sections 112.038, 115.001, 115.011, 116.005(d)-(e), 116.205(c)-(d)

Author: Rodriguez Sponsor: Hartnett

1. Authorizes disclaimer of an interest in the trust by delivering a memorandum if delivered not later than nine months after September 17, 2010. Provides expiration for this provision of September 1, 2013. 2. Changes the burden for unenforceability of a forfeiture of or voiding of an interest in a trust by bringing a court action from probable cause to just cause to allow enforceability of such forfeiture provisions. 3. Permits a beneficiary entitled to written notice of

division and combination of trusts to waive the notice requirement by written notice delivered to the trustee. Eliminates notice requirements of beneficiaries who waive the notice requirement. Requires notice to a guardian or parent with permissive waiver of notice by the parent or guardian. 4. Provides that jurisdiction for trust issues is exclusive to the District Courts, except for jurisdiction conferred by law on various courts. Provides such jurisdiction conferred by law now includes county courts at law. 5. Fixes venue when the settlor is deceased and administration of the settlor's estate, including interpretation and administration of an inter vivos trust created by the settlor or testamentary trust created by the settlor's will in a proper county have been under the other provisions of this section or in the county in which administration of the settlor's estate is pending. 6. Establishes necessary parties to an action involving the trust as trust beneficiaries, other than beneficiaries whose interest has been distributed, extinguished, terminated or paid. 7. Revises adjustment provisions to allow a co-trustee to make adjustments as will affect income tax, estate tax and direct or indirect benefit to the trustee. 8. Limits the source of payment of income tax to be paid by a trustee of the trust's share of an entity's taxable income to its source, including income tax only payable from income, tax on principle only payable from principle, proportionate payment of taxes from principle and income to the extent receipts from the entity are allocated to principal and income and from principle to the extent the tax exceeds the total receipts from the entity. 9. Provides that the changes in the law made by this act applied to a trust existing or created on or after September 1, 2011; and estate for a decedent who dies before September 1, 2011 if pending as of September 1, 2011; the estate of the decedent who dies on or after September 1, 2011; for a trust existing on September 1, 2011, only to acts or omissions relating to the trust occurring after September 1, 2011; into court actions commenced on or after September 1, 2011. Clarifies that the amendment to Section 115.001 of the Property Code is the intended to clarify rather than change the law.

Effective Date: September 1, 2011

Title 11. Restrictive Covenants

House Bill 362

Relating to the regulation by a property owners' association of the installation of solar energy devices and certain roofing materials on property.

Adds Property Code Sections 202.010 and 202.011

Author: Solomons

Sponsor: West

Prohibits a property owners' association (POA) from restricting solar devices, except as allowed by statute. (2) Prohibits POAs and architectural review committees from withholding approval of certain solar devices, unless it determines a device substantially interferes with the use and enjoyment of land, etc. (3) Prohibits POA from restricting certain roof shingles.

Effective Date: June 17, 2011

House Bill 2779

Relating to provisions in the dedicatory instruments of property owners' associations regarding display of flags.

Adds Property Code, Section 202.011

Author: Bohac

Sponsor: Patrick, Day

Prohibits a POA from adopting or enforcing dedicatory instrument provisions that prohibit or restrict display of U.S., Texas or armed forces flags, except as allowed by law (e.g., "reasonable" provisions relating to flags, flagpoles, lights and noise.

Effective Date: June 17, 2011

House Bill 1278

Relating to regulation by a property owners' association of certain religious displays.

Adds Property Code Section 202.018

Author: Coleman

Sponsor: Seliger

(1) Limits POA's right to enforce or adopt restrictive covenants that prohibit displaying or affixing (on a dwelling entry) religious items

motivated by “sincere religious belief.” (2) Supplies a list of exceptions.

Effective Date: June 17, 2011

House Bill 1821

Relating to certain information or guidelines provided by or concerning a property owners’ association or concerning subdivisions that are subject to restrictive covenants.

Amends Property Code, various sections; Adds Property Code, Sections 207.006 and 209.0062

Author: Anderson, Rodney Sponsor: West

(1) Modifies rights and duties relating to resale certificates and other key documents. (2) Mandates that POAs with websites post dedicatory instruments relating to the association or subdivision. (3) Mandates that POAs with more than 14 lots establish alternative payment guidelines and file them in county real property records. (4) Contains other provisions.

Effective Date: January 1, 2012

House Bill 2761

Relating to meetings, elections, and records of certain property owners’ associations.

Amends Property Code Section 209.002, 209.005 and 209.009; Adds Property Code Sections 209.0051, 209.0056—209.0059, 209.00591--209.00593 and 209.014.

Arthur: Garza Sponsor: West

(1) Regulates POAs and their boards and members regarding operations, records, POA meetings, elections, voting and foreclosure. (2) Contains other provisions, including an exemption for certain old “mixed-use master” associations.

Effective Date: January 1, 2012

Senate Bill 472

Relating to voting practices and elections of property owners’ associations.

Amends Property Code Section 209.003; Adds Property Code Sections 209.0041, 209.0058, 209.0059, 209.00592, 209.00593 and 509.00594

Author: West Sponsor: Giddings

(1) Mandates that votes by POA members be in writing and signed, but allows use of electronic mail, facsimile or internet website. (2) Voids some covenants that might prevent owners from voting or running for board positions—but disqualifies those convicted of a felony or a crime involving moral turpitude. (3) Supplies specifics on voting procedures and quorums. (4) Provides exemption for certain old “mixed-use master” associations.

Effective Date: September 1, 2011

House Bill 1228

Relating to payment and collection of assessments and other charges owed to a property owners’ association and foreclosure of a property owners’ association assessment lien.

Amends Property Code Section 209.003; Adds Property Code Sections 209.0062, 209.0063, 209.0064, 209.0091, 209.0092, 209.0093 and 209.0094

Author: Dutton Sponsor: West

(1) Requires POAs with more than 14 lots to adopt and file reasonable guidelines allowing owners to make partial payments for delinquent assessments, etc. without accruing additional monetary penalties. (2) Prescribes the order of priority for applying payments, with delinquent assessments getting top priority. (3) Regulates use of collection agents and transfer of accounts. (4) Regulates foreclosure of assessment liens, including notices and court orders, and requires Supreme Court to adopt rules for expedited foreclosure proceedings. (5) Allows owners, by a vote of at least 67 percent, to remove or add the right to foreclose (for failure to pay POA) from dedicatory instruments. (6) Specifies when a recorded lien instrument can be a “legal instrument affecting title to real property.”

Effective Date: January 1, 2012, except for Section 209.0092(b) takes effect September 1, 2011

House Bill 232

Relating to the amendment of restrictions affecting real property in certain subdivisions.

Amends Property Code Sections 211.001 and 211.002

Author: White Sponsor: Ogden

(1) Modifies definition of “residential real estate subdivision” by adding population brackets. (2) Provides that amendment of a restriction affecting a residential real estate subdivision is effective upon approval and filing in the county real property records, notwithstanding a different effective date in the instrument.

Effective Date: June 17, 2011

House Bill 1071

Relating to the extension of deed restrictions in certain residential real estate subdivisions.

Adds Property Code Chapter 212

Author: Davis, Sarah Sponsor: Ellis

Permits deed restrictions to be extended by written consent of the owners who own the majority of the lots in the subdivision, without respect to the number of lots owned by a particular owner. Applies only to a residential real estate subdivision located wholly or partially in a municipality with a population of more than two million located in a county with a population of 3.3 million or more; and is subject to restrictions the terms of which provide that the restrictions expire, permit the restrictions to be extended by majority vote, and do not expressly provide for and do not expressly prohibit successive extensions of the restrictions after the expiration of the initial restriction period. Allows restrictions to be extended without creation of or action by a property owners’ association, homeowners association, community association, civic club, or similar organization. Limits the extension period to the length of the original term of the restrictions or shorter period agreed to by the owners. Permits the termination of restrictions extended under the chapter before their expiration date if consented to in the same manner as consent to

the extension of restrictions is obtained under the chapter. Provides that the extension of restrictions is binding on all lots and all unplatted real property in the subdivision without regard to whether the owner or owners of any individual lot or unplatted real property signify consent to extend the restrictions. Overrides any statute authorizing a property owner to opt out of the applicability of restrictions to the owner’s property. Provides that extension of restrictions is binding on a lienholder or a person who acquires title to property at a foreclosure sale or by deed from a foreclosing lienholder. Provides that if provision is unenforceable under United States Constitution, the restrictions are considered as if the void provision was never included. Provides that the procedure in the original restrictions for the initial extension may be used for successive extensions in lieu of the above extension procedure, provided the approval obtained includes the approval of the owners of not less than a majority of the lots in the subdivision. Provides that the chapter and any petition or ballot made or action taken in connection with an attempt to comply with the chapter shall be liberally construed to effect the intent of the chapter and the petition, ballot or action; and a deed restriction that is extended under the chapter shall be liberally construed to give effect to the restriction’s purposes and intent.

Effective Date: June 17, 2011

House Bill 2869

Relating to the powers and duties of certain master mixed-use property owners’ associations.

Adds Property Code Sections 215.001—215.015

Authors: Harper-Brown Sponsor: Shapiro

(1) Affects powers and duties of certain “master mixed-use property owners’ associations.” (2) Provides for architectural control. (3) Regulates enforcement and foreclosure and allows both recovery of attorneys fees and costs and use of self-help in some cases. (4) Contains other provisions.

Effective Date: September 1, 2011

TAX CODE

Title 1. Property Tax Code

House Bill 1887

Relating to tax administration of and procedures for property tax protests and appeals; changing the elements of an offense.

Adds and amends Tax Code Chapters 1, 5, 6, 25, 41 and 42, various sections

Author: Villarreal Sponsor: Hinojosa

Provides that an owner is only required to pay, before delinquency, the amount of tax attributable to the portion of appraised value not in dispute to preserve the owner's right to a final determination of a motion to correct an appraisal roll or a protest of an appraisal district's failure to provide proper notice. Clarifies that prepaid taxes are automatically deemed "paid under protest" if such motion or protest is timely filed. Creates a procedure whereby prepayment requirement may be waived if it would "constitute an unreasonable restraint" on owner's procedural rights, as determined by appraisal review board and grants owner the right to appeal a finding of failure to comply with the prepayment requirements. Expands types of changes to the appraisal roll permitted, upon motion to appraisal review board, to include correcting an error in record ownership as of January 1 of a tax year. Clarifies that notices of taxpayer protests filed under Tax Code Chapter 41, Subchapter C, which includes protests of appraised value, are not untimely or insufficient merely for failure to properly identify the owner; provided, however, that the owner specified on such taxpayer notice of protest: (i) owned the property at any time during the tax year at issue; (ii) is the current owner according to the appraisal district's records; (iii) is a tenant authorized to file a protest on behalf of a landlord; or (iv) is an affiliate of the owner. Requires court ordered mediation upon motion by a party to any appeal of a determination of the appraisal review board. Requires that attorneys engaged or retained by a third-party to represent a party in an appeal of an appraisal review board's determination must provide certain notices set forth in Tax Code, Section 42.30.

Effective Date: September 1, 2011

House Bill 843

Relating to the use of electronic means for the delivery of ad valorem tax bills to certain property owners and agents.

Amends Tax Code Section 1.07(a)

Author: Green Sponsor: Davis

Requires the tax assessor to deliver a tax bill by electronic means, if the tax assessor has entered into a written agreement for electronic delivery with the person entitled to receive such tax bill. Establishes requirements for the content of such agreements.

Effective Date: January 1, 2012

House Bill 3216

Relating to electronic communication between property owners and chief appraisers, appraisal districts, appraisal review boards, or any combination of those persons.

Amends Tax Code Sections 1.085 and 1.111

Author: Otto Sponsor: West

Provides that an agreement between a property owner and an appraisal district and/or review board to communicate electronically will automatically remain in effect until rescinded in writing by the owner or owner's agent. Limits current requirement for chief appraiser to communicate electronically with owners having 25 or more tax accounts to counties with populations of at least 200,000. Requires appraisal districts in counties with populations of 500,000 or more to implement a system for designations of tax agents to be signed and filed electronically. Provides for public notice of availability of agreement forms authorizing electronic communications.

Effective Date: September 1, 2011.

House Bill 896

Relating to auxiliary members of an appraisal review board.

Adds Tax Code Section 6.414; Amends Tax Code Section 6.412(f)

Author: Howard Sponsor: Patrick

Allows for appointment of auxiliary board members to assist appraisal review boards. Permits auxiliary board members to hear tax protests and make recommendations to the board, but does not permit them to vote on any determination of the board or be counted for purposes of establishing a quorum. Requires auxiliary board members to be appointed in the same manner and meet the same eligibility requirements as regular board members.

Effective Date: September 1, 2011

Senate Bill 201

Relating to the calculation of ad valorem taxes on the residence homestead of a 100 percent or totally disabled veteran for the tax year in which the veteran qualifies or ceases to qualify for an exemption from taxation of the homestead.

Adds Tax Code Sections 11.42(e), 26.10(c) and 26.1125

Author: Uresti Sponsor: Callegari

Provides that a totally disabled veteran who qualifies for a homestead exemption after January 1 of a tax year is entitled to the benefit of such exemption, effective immediately upon qualification for the exemption, instead of being required to wait until January 1 of the following tax year. Provides that if the exemption is terminated during a tax year, the tax due against the residence homestead is prorated from the date that the exemption was terminated.

Effective Date: January 1, 2012

House Bill 645

Relating to the information required to be included on a form for an application for an exemption from ad valorem taxation of property owned by a charitable organization.

Amends Tax Code Section 11.43(f)

Author: Orr Sponsor: Patrick

Allows a non-profit entity to use its federal tax identification number, rather than a driver's license number, for certain applications to the Comptroller.

Effective Date: September 1, 2011

Senate Bill 516

Relating to the exemption from ad valorem taxation of all or part of the appraised value of the residence homestead of the surviving spouse of a 100 percent or totally disabled veteran.

Adds Tax Code Sections 11.131(a)(3), (c) and (d); Amends Tax Code Section 11.431(a)

Author: Patrick Sponsor: Fletcher

Provides that the surviving spouse of a disabled veteran who qualified for a homestead exemption when the veteran died is entitled to an exemption from taxation of the total appraised value of the same property to which the disabled veteran's exemption applied, provided the surviving spouse has not remarried, and if the surviving spouse subsequently qualifies a different property as the surviving spouse's homestead, then the surviving spouse is entitled to an exemption from taxation of the subsequently qualified homestead in an amount equal to the dollar amount of the exemption from taxation of the former homestead.

Effective Date: January 1, 2012, subject to passage of SJR 14

Senate Bill 449

Relating to the appraisal for ad valorem tax purposes of open-space land devoted to water stewardship purposes on the basis of its productive capacity.

Amends Tax Code Chapter 23, various sections; Adds Tax Code Section 23.51(9), 23.5215

Author: Watson Sponsor: Ritter

Adds land used for water stewardship to the definition of "agricultural use" for purposes of appraising open-space land for ad valorem tax purposes. Provides definition of "water stewardship" and requires Parks and Wildlife Department, with the assistance of the

comptroller, to develop standards for determining whether land qualifies for appraisal based on water stewardship use.

Effective Date: January 1, 2012, subject to passage of SJR 16

Senate Bill 1385

Relating to the authority of the chief appraiser of an appraisal district or the collector for a taxing unit to waive penalties for failing to file certain documents.

Adds Tax Code Section 23.129

Author: Lucio Sponsor: Oliveira

Permits a chief appraiser and a tax collector to waive penalties imposed in connection with the failure to file a declaration or statement involving a dealer's motor vehicle inventory, heavy equipment inventory or retail manufactured housing inventory; provided the taxpayer files a written application for the waiver not later than the thirtieth day after the declaration or statement was required to be filed, the taxpayer's failure to file was a result of a natural disaster or event beyond the control of the taxpayer that destroyed the taxpayer's property or records, and the taxpayer is otherwise in compliance with the chapter.

Effective Date: September 1, 2011

Senate Bill 1505

Relating to the appraisal for ad valorem tax purposes of a real property interest in oil or gas in place.

Amends Tax Code, Section 23.175

Author: Uresti Sponsor: Lewis

Specifies how price adjustments are to be made in the calculation of future income from the sale of oil or gas to be produced from a real property interest in oil or gas in place.

Effective Date: January 1, 2012

Senate Bill 1441

Relating to the correction of an ad valorem tax appraisal roll.

Amends Tax Code Section 25.25(c)

Author: Ellis Sponsor: Davis

Adds to the circumstances in which the appraisal review board, on motion of the chief appraiser or a property owner, may direct changes in the appraisal roll for any of the five preceding years to include the correction of an error in which property is shown as owned by a person who did not own the property on January 1 of that tax year.

Effective Date: September 1, 2011

Senate Bill 1404

Relating to the deadline for filing a suit to compel an appraisal review board to change an appraisal roll.

Amends Tax Code Section 25.25(g)

Author: Hinojosa Sponsor: Davis

Extends time for a property owner or the chief appraiser to file suit to compel the appraisal review board to order a change in the appraisal roll from forty-five days to sixty days after receiving notice of the appraisal review board's determination of a motion under the section.

Effective Date: May 23, 2011

Senate Bill 1341

Relating to the participation by a taxing unit in a suit to compel an appraisal review board to order a change in an appraisal roll.

Amends Tax Code Section 25.25(g); Adds Tax Code Sections 25.25(g-1) and (g-2)

Author: Seliger Sponsor: Elkins

Provides that if a property owner or the chief appraiser files suit to compel the appraisal review board to order a change in the appraisal roll and a hearing is requested to review and determine compliance by the property owner with the requirement to pay taxes while an appeal of the suit is pending, then the collector of each taxing unit that imposes taxes on the property must be notified not later than the

forty-fifth day before the date of the hearing. Permits a taxing unit that imposes taxes on the property to intervene in such a suit regardless of whether it received the notice described

Effective Date: May 7, 2011

Senate Bill 551

Relating to liability for interest on ad valorem taxes on improvements that escaped taxation in a previous year.

Amends Tax Code Section 26.09(d); Adds Tax Code Sections 26.09(d-1), 26.09(d-2) and 31.01(c-2)

Author: Williams Sponsor: Otto

Provides that interest does not accrue on back taxes owed for an improvement to real property that escaped taxation, provided that (i) the land on which the improvement is located did not escape taxation in the year in which the improvement escaped taxation; (ii) the appraisal district had actual or constructive notice of the presence of the improvement in the year in which the improvement escaped taxation (an appraisal district is considered to have constructive notice if a building permit for the improvement has been issued by an appropriate governmental entity); and (iii) the property owner pays all back taxes due on the improvement not later than the 120th day after the date the tax bill for the back taxes on the improvement is sent.

Effective Date: September 1, 2011

Senate Bill 432

Relating to the penalty for failure to make a timely installment payment of ad valorem taxes on property in a disaster area.

Amends Tax Code Section 31.032(c)

Author: Jackson Sponsor: Bonnen

Reduces penalty on late installment payments of taxes on property located in a disaster area from twelve percent to six percent.

Effective Date: September 1, 2011

House Bill 499

Relating to the additional penalty for collection costs for certain delinquent ad valorem taxes.

Amends Tax Code Section 33.08(b)

Author: Rodriguez Sponsor: Watson

Adds provisions of Tax Code, Section 42.42 (Corrected and Supplemental Tax Bills), as additional basis for allowing governing body's attorney to collect costs in connection with taxes that become delinquent on or after June 1 of each year.

Effective Date: September 1, 2011

House Bill 930

Relating to the requirements for an application for a tax warrant authorizing the seizure of personal property for the payment of ad valorem taxes.

Amends Tax Code 33.22(c)

Author: Darby Sponsor: Harris

Adds requirements with respect to the content of affidavits provided in support of tax warrant applications that are filed on the basis of an applicant's belief that personal property is about to be disposed of or removed from the county.

Effective Date: September 1, 2011

House Bill 1118

Relating to the resale of property purchased by a taxing unit at a tax sale.

Amends Tax Code Section 33.52(d); Adds Tax Code Sections 34.005 (j), (k), and (l)

Author: Ritter Sponsor: Huffman

Allows a taxing authority that acquired real property by foreclosing its tax-lien to arrange a private re-sale of such property, provided (i) the sales price is at least equal to the property's appraised value; (ii) such appraised value exceeds the amount of the tax-judgment and court costs; and (iii) any taxing units entitled to sale proceeds consent to the sale. Provides that a taxing unit entitled to proceeds, but that does

not consent to an otherwise permissible private sale, is liable for a pro rata share of the cost to maintain the property.

Effective Date: September 1, 2011

Senate Bill 1546

Relating to the right to a new hearing before an appraisal review board following a failure to attend a hearing.

Amends Tax Code, Section 41.45(e-1)

Author: Patrick Sponsor: Murphy

Provides that a person designated by a property owner as the owner's agent to represent the owner at a hearing before an appraisal review board who fails to appear at such hearing is entitled to a new hearing in the same manner as a property owner who fails to appear at such a hearing.

Effective Date: September 1, 2011

House Bill 1090

Relating to the calculation of interest on certain ad valorem tax refunds.

Amends Tax Code Section 42.43(b)

Author: Gonzalez Sponsor: Seliger

Changes refund interest rate, which a taxing unit must include with any tax refund, to the most recently published prime rate, plus two percent. Caps refund interest rate at eight percent. Applicable only to refunds arising from actions initiated after the effective date of amendment.

Effective Date: September 1, 2011

Title 2. State Taxation

House Bill 1841

Relating to the taxability of Internet hosting.

Adds Tax Code Section 151.108

Author: Hartnett Sponsor: Carona

Clarifies that a person whose only activity in Texas is conducting Internet hosting is not

deemed to be engaged in business in this state and, as a result, is also exempt from reporting certain information to the Comptroller about the users of its servers.

Effective: June 17, 2011

Title 3. Local Taxation

House Bill 2853

Relating to tax increment financing.

Amends Tax Code Chapter 311, various sections

Author: Davis, John Sponsor: Jackson, Mike

Adds programs and other projects benefiting the zone to the definition of "Project Costs". Provides that Project Costs include the actual costs of (i) remediation of conditions that contaminate public or private land or building, (ii) preservation of the façade of a public or private building, and (iii) demolition of public or private buildings. Adds to the Project Costs the costs of school buildings, other educational buildings, other educational facilities, or other building owned by or on behalf of a school district, community college district, or other political subdivision of the state. Prohibits a municipality from designating a reinvestment zone if more than 30% of the property in the proposed zone, excluding publicly owned property, is used for residential purposes, or if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds 25% of the total appraised value of taxable real property in the municipality if the municipality has a population of 100,000 or more or 50% of the total appraised value if the municipality has a population of less than 100,000. Permits a municipality or county that designated a reinvestment zone to extend the term of all or a portion of the zone after notice and hearing in the manner provided in the designation. Provides that a taxing unit other than the municipality or county that designated the zone is not required to participate in the zone or portion of the zone for the extended term unless the taxing unit enters into an agreement to do so. Permits each taxing unit other than the municipality or county that designated the zone to appoint one member of the board if the taxing unit has approved the payment of all or part of

the tax increment produced by the unit into the tax increment fund for the zone. Amends the method of appointing board members and the eligibility requirements for board members. Removes the requirement that a project plan and a reinvestment zone financing plan must be as consistent as possible with the preliminary plans developed for the zone before creation of the board. Requires submitted plans to include a finding that the plan is economically feasible. Provides that a school district participating in the zone is not required to increase the percentage or amount of the tax increment to be contributed by the school district because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the governing body of the school district approves the action by official action. Provides that all amounts contained in the project plan or reinvestment zone financing plan are estimates and do not act as a limitation on the described items, however, the amounts may not vary materially from the estimates. Provides that the captured appraised value of real property taxable by a taxing unit for a year is the total taxable value (rather than appraised value) of all real property taxable by the unit and located in a reinvestment zone for that year less the tax increment base of the unit. Provides that the agreement entered into by a taxing unit may specify the projects to which a participating taxing unit's tax increment will be dedicated and that the taxing unit's participation may be computed with respect to a base year later than the original base year of the zone. Requires a tax increment bond or note to mature on or before the date by which the final payments of tax increment into the tax increment fund are due (rather than 20 years from the date of issue).

Effective Date: June 17, 2011

Senate Bill 627

Relating to the participation by certain taxing units in tax increment financing and the payment of tax increments into the tax increment fund for a reinvestment zone.

Amends Tax Code Section 311.013(c); Adds Sections 311.013,(c-1), (f-1), and (f-2)

Authorizes the commissioners court that created a reinvestment zone to pay collected monies, on behalf of certain government bodies, into the tax

increment fund, if by statute the other taxing unit's property tax rate is approved by the commissioners court or the commissioners court is expressly required by statute to levy the other taxing unit's property taxes. Provides that the county agreement does not need to be the same for all taxing units. Provides that the commissioners court may not enter into such an agreement solely because the county tax assessor-collector is required by law to assess or collect the other taxing unit's ad valorem taxes. Excludes hospital districts in Bexar, Nueces, El Paso, and Harris Counties.

Effective Date: June 17, 2011

House Bill 590

Relating to the consummation of sales for purposes of local sales and use taxes and to the reallocation of those taxes.

Author: Thompson Sponsor: Patrick

Amends Tax Code Section 321.002 and Section 322.108(a); adds Tax Code Sections 321.510 and 323.510

Clarifies that locations where "purchase orders" or "other equivalent business records" are processed do not meet the definition of "place of business of the retailer," if the comptroller determines that any such location exists to avoid taxation. Allows county and local governmental entities to request a review of all available tax returns filed with the comptroller by up to five (5) individual taxpayers doing business within such entity's jurisdiction, if the comptroller reallocates or refunds: (i) an amount at least equal to the lesser of \$200,000 or ten percent (10%) of the revenue received by such entity during the preceding calendar year; or (ii) an amount which increases or decreases such entity's revenue by at least fifteen percent (15%) as compared to revenue received during the same month in any previous year. Provides certain deadlines and for the recovery of comptroller's fees in connection with such requests.

Effective Date: September 1, 2011

TRANSPORTATION CODE

Title 6. Roadways

Senate Bill 1420

Relating to continuation and function of the Texas Department of Transportation; providing penalties

Amends and adds Transportation Code, various sections; Adds Parks and Wildlife Code Section 12.001(b-1); Amends Occupations Code Section 1201.161; Repeals Transportation Code, Sections 201.0545(h), 223.201 and 370.314

Author: Hinojosa Sponsor: Harper-Brown

TxDOT reauthorization bill (extends “sunset” to 2015): (1) Provides that a Transportation Commissioner who accepts a campaign contribution is deemed to resign. (2) Changes eligibility to serve on Transportation Commission and designation of the chair; requires rural representation. (3) Forbids use of TxDOT money for legislative lobbying. (4) Changes some disqualification rules, provides for employee evaluations and terminations and requires a compliance program for waste, fraud, wrongdoing, etc. (5) Requires a 24-year statewide transportation plan and a 10-year “unified transportation program.” (6) Adds extensive rules for environmental reviews. (7) Requires more financial oversight by chief financial officer, audits, more reporting on projects and more public involvement. (8) Limits authorization for comprehensive development agreements to certain listed projects, with limited time periods. (9) Allows transfer of state property for use as a road, if there is a reverter. (10) Allows “design-build” development of some highway projects, by TxDOT and regional mobility authorities. (11) Amends provisions for transportation reinvestment zones, taxes and abatements. (12) Re-works laws regulating signs and outdoor advertising, including complaint procedures, registration, enforcement, fees, exceptions, licenses and administrative penalties. (13) Revises statutes governing oversize or overweight vehicles and transfers authority to Department of Motor Vehicles. (14) Contains other provisions.

Effective Date: September 1, 2011

House Bill 630

Relating to the environmental review process for transportation projects.

Amends Transportation Code Section 201.607; Adds Transportation Code Sections 201.751—201.762, 222.005 and 222.006; Adds Parks & Wildlife Code Section 12.0011(b-1)

Author: Pickett Sponsor: Nichols

(1) Revises environmental review process for some highway projects. (2) Adopts standards and procedures. (3) Restricts environmental review to those projects funded or specially approved. (4) Allows local sponsors to conduct some environmental reviews. (5) Authorizes state and local agencies to contract for expedited reviews. (6) Mandates increased reporting on projects and environmental reviews. (7) Provides for certification of environmental specialists.

Effective Date: September 1, 2011

Senate Bill 548

Relating to the environmental review process for transportation projects.

Amends Transportation Code Section 201.607; Adds Transportation Code Sections 201.751—201.762, 222.005 and 222.006; adds Parks & Wildlife Code Section 12.0011(b-1)

Author: Nichols Sponsor: Darby

(1) Overhauls environmental review process, including roles of TxDOT and “local government sponsors” of highway projects. (2) Requires standards and sets procedures and deadlines. (3) Restricts projects eligible for environmental review to those that are funded or specially approved—and provides for prioritization, if resources are limited. (4) Allows local government sponsors to prepare environmental reports, under some conditions. (5) Requires reports and internet postings by TxDOT. (6) Authorizes state and local agencies to contract for expedited reviews. (7) Authorizes agreements, rulemaking and

certification of environmental specialists. (8) Contains other provisions.

Effective Date: September 1, 2011

House Bill 1201

Relating to the repeal of authority for the establishment and operation of the Trans-Texas Corridor.

Amends Transportation Code Sections 201.616, 212.122, 222.003, 223.201, 223.2066, 223.208 and 372.001, and Tax Code Sections 11.11, 25.06, and 25.07; Adds Transportation Code Sections 224.1541(d) and 545.353(h-2); Repeals Transportation Code Sections 201.618(e), 284.0032, 366.305, 371.316, 545.3531 and Chapter 227

Author: Kolkhorst Sponsor: Hegar

(1) Repeals statutes relating to Trans-Texas Corridor. (2) Allows Transportation Commission to establish exclusive lanes for oversize or overweight vehicles on some non-Interstate highways. (3) Authorizes Commission to set speed limits up to 85 MPH on some state highways, if they are designed for such a speed, and a study determines it to be reasonable and safe.

Effective Date: June 17, 2011

House Bill 563

Relating to the purpose and designation of a transportation investment zone.

Amends Transportation Code Sections 222.106 and 222.107; Adds Transportation Code Sections 222.108 and 222.109

Author: Pickett Sponsor: Nichols

(1) Changes laws governing city and county “transportation reinvestment zones” (which can use tax increment financing), including provisions for designating zones and handling tax revenues. (2) Requires, at the option of city or county, that TxDOT delegate “full responsibility for the development, design, letting of bids, and construction” of some projects to the city or the county, subject to contracts and restrictions. (3) Enables counties

to assess project costs against property in a zone. (4) Authorizes contracts with public or private entities to develop, redevelop, or improve projects in a zone. (5) Allows some zone boundary changes. (6) Prohibits reduction of traditional transportation funding because city or county designates or uses a zone.

Effective Date: September 1, 2011

Senate Bill 1719

Relating to certain comprehensive development agreements of the Texas Department of Transportation.

Adds Transportation Code Section 223.2012

Author: Williams Sponsor: Fletcher

Provides that authorization of TxDOT to enter a comprehensive development agreement for the Grand Parkway (State Highway 99, which encircles Houston area) does not affect TxDOT’s obligation to comply with a prior agreement for that project.

Effective Date: June 17, 2011

House Bill 1112

Relating to the authority and powers of regional mobility authorities.

Amends Transportation Code Sections 370.003, 370.004, 370.033, 370.071, 370.072, 370.073, 370.113, 370.114, 370.172, 370.173, 370.177, 370.251, 370.303, and 370.304; Adds Transportation Code Sections 370.2511 and 370.333; Repeals Transportation Code Section 370.317(d)

Author: Phillips Sponsor: Nichols

(1) Revamps statutes governing regional mobility authorities, including provisions for cost accounting, use of revenues, loans, travel expenses, contracts, etc. (2) Allows a city council to serve as the board of a city-created authority, but requires the governor to appoint an additional director to serve as presiding officer. (3) Repeals requirement for state approval of agreements between a local government and a private entity.

Effective Date: June 17, 2011

Senate Bill 731

Relating to the attorney general's legal sufficiency review of a comprehensive development agreement.

Amends Transportation Code Section 371.051

Author: Nichols Sponsor: Kolkhorst

Requires that toll project entities pay fees to the Attorney General for review of comprehensive development agreements.

Effective Date: June 17, 2011

Senate Bill 19

Relating to the development, financing, construction, and operation of certain toll projects.

Adds Texas Transportation Code Chapter 373 and Section 371.003; Amends Transportation Code Sections 228.006, 228.011(a), 284.061(d), 366.170(c), 370.169(c), 371.052

Author: Nichols Sponsor: Smith, Wayne

Adds chapter entitled "Toll Projects Located in Territory of Local Toll." Excludes from scope of the chapter a toll project described in Section 228.011, Phase 4 extension of the Dallas North Tollway in Collin and Denton Counties, and the North Tarrant Express project in Tarrant and Dallas Counties. Provides that the toll projects becomes property of the creating entity, be it TxDOT or other, unless leased, sold, or conveyed as provided by specified applicable law. Provides that a transaction involving a local toll project entity under Section 228.011 is not primarily commercial in nature but is inherently governmental transaction whose purpose is to determine governmental jurisdiction, ownership, control, or other responsibilities with respect to a project. Allows for TxDOT and the local toll project entity to make agreements that cover the identified responsibilities of the parties and the timelines for the primacy determination process under Subchapter B; otherwise, provides that the

exercise of primacy over any phase of the project is primacy over the entire project.

Provides process to determine the entity to develop, finance, construct, and operate toll projects. Permits the local toll project entity the first option to develop, finance, construct, and operate a toll project. Requires local toll project entity that exercises this option to procure design services and enter into a contract for construction of the toll project within specified time periods. Permits TxDOT to exercise option to develop, finance, construct, and operate a toll project under Section 373.052(a) if local entity fails or declines to advertise for procurement or enter into a construction contract as required. Authorizes local toll project entity or TxDOT to reinstate the process under this subchapter by submitting notice to the other entity in the manner previously provided. Requires the entity that exercises its option, whether TxDOT or the local toll project entity, to issue a publicly available, semiannual report on the progress of the development of the toll project.

Authorizes commencement of the project prior to environmental review process. Requires initiation of the environmental process within 180 days of exercising the option. Authorizes the development of the project before the environmental clearance, but not to the extent of construction commencement.

Requires Texas Transportation Commission and TxDOT to assist the local toll project entity, consistent with federal law, to use state highway right-of-way and access to the state highway system as necessary to construct and operate the toll project. Authorizes the entity and TxDOT to remove the toll project from the state highway system and transfer ownership to the local toll project entity.

Prohibits the Texas Transportation Commission or TxDOT from requiring the local toll project entity to pay for the use of state highway right-of-way or access, except for reimbursement of actual costs incurred as a result of use by the local toll project entity and for reimbursement for actual cost to acquire the right-of-way transferred to the local toll project entity. Requires TxDOT to deposit money received under this section in the state highway fund,

except for reimbursement costs owed to a third party. Requires TxDOT to reimburse local toll project entity for any cost of right-of-way acquired by the entity. Authorizes waiver of the requirement for reimbursement.

Provides that Texas Transportation Commission and TxDOT are not liable for any damages that result from a local toll project entity's use of state highway right-of-way or access to the state highway system under this subchapter. Provides that there is no joint enterprise for liability purpose simply because TxDOT and local entity enter into certain agreements. Allows for Texas Transportation Commission and TxDOT to comply with federal law, regardless of an action taken by a local toll project entity under this subchapter, if necessary to comply with any federal requirement to enable this state to receive federal-aid highway funds.

Requires TxDOT to allocate distribution for surplus toll revenue to department districts in the region that are located in the boundaries of the metropolitan planning organization in which the toll project or system producing the surplus revenue is located based on the percentage of toll revenue from users in each department district of the project or system.

Requires valuation in Texas Transportation Code to include factors the toll project entity determines appropriate, including factors related to (i) oversight; (ii) maintenance and operations costs; (iii) structure and rates of tolls; (iv) economic development impacts; and (v) social and environmental benefits and impacts.

Effective Date: June 17, 2011

House Bill 1737

Relating to the installation of a speed feedback sign by a property owners' association.

Adds Transportation Code Section 430.002

Author: Bohac Sponsor: Huffman

Authorizes property owner's association to install and maintain a "speed feedback sign" on a road, highway, or street (at its own expense), with consent of the political subdivision that maintains the road highway or street.

Effective Date: June 17, 2011

Senate Bill 888

Relating to the authority of a regional transportation authority to create a local government corporation.

Amends Transportation Code Section 431.003

Author: Carona Sponsor: Harper-Brown

Permits a regional transportation authority to create a local government corporation to act on its behalf.

Effective Date: June 17, 2011

Senate Bill 1120

Relating to the exemption from taxation of property of a local government corporation.

Amends Transportation Code Section 431.102

Author: Seliger Sponsor: Lewis

Denies tax exemption for property of a local government corporation created by a municipal power agency, if the property is located outside the boundaries of each of the municipalities that created the agency.

Effective Date: June 17, 2011

Senate Bill 650

Relating to management of certain metropolitan rapid transit authorities.

Amends Transportation Code Section 451.610; Adds Transportation Code, Sections 451.131—451.139 and 451.6101

Author: Hegar Sponsor: Cook

(1) Reforms some laws applicable to metropolitan rapid transit authorities (apparently bracketed to the Capital Metropolitan Transportation Authority, located in Austin area). (2) Requires a five-year plan for capital improvement projects. (3) Mandates a two-month operating reserve. (4) Requires a rail safety plan. (4) Contains other provisions.

Effective Date: June 17, 2011

House Bill 2396

Relating to the pledge of advanced transportation district sales and use taxes to certain bonds.

Amends Transportation Code Section 451.702.

Author: McClendon Sponsor: Zaffirini

(1) Narrows the bracket of rapid transit authorities that are empowered to create “advanced transportation districts” which can impose a sales and use tax (the principal city in the authority must have 1,300,000+ pop.—up from 700,000—apparently excluding Austin). (2) Authorizes such districts to pledge sales and use taxes to pay bonds, without a specific election.

Effective Date: September 1, 2011.

House Bill 423

Relating to the powers of rural and urban transit districts.

Amends Transportation Code Section 458.011

Author: Guillen Sponsor: Williams

Enables rural or urban transit district to adopt rules “for the safe and efficient operation and maintenance” of the district's system (except as to concealed handguns).

Effective Date: June 17, 2011

Senate Bill 1422

Relating to coordinated county transportation authorities; creating an offense.

Amends Transportation Code Sections 460.106 and 460.406; Adds Transportation Code Sections 460.1091, 460.1092 and 460.601--460.611

Author: Nelson Sponsor: Solomons

(1) Strengthens power of coordinated county transportation authorities to set and collect fees. (2) Imposes criminal penalties. (3) Allows municipalities in an authority to designate

“public transportation financing areas” to use tax-increment financing.

Effective Date: September 1, 2011

Title 7. Vehicles and Traffic

House Bill 266

Relating to the use of address-matching software by certain state agencies.

Amends Transportation Code Section 521.063, Government Code Section 2176.201

Author: Hilderbran Sponsor: Duncan

(1) Requires state agencies to use address-matching software. (2) Requires that driver license addresses be verified and matched to USPS addresses.

Effective Date: September 1, 2011

House Bill 2541

Relating to the regulations of traffic on certain roads by counties.

Amends Transportation Code Section 542.0081

Author: Solomons Sponsor: Nelson

Provides that, for a road owned or maintained by a special district in an unincorporated area of a county with a population less than 1,000,000, the residents of the special district may petition the county to enforce specified traffic rules.

Effective Date: June 17, 2011

House Bill 109

Relating to the temporary lowering of prima facie speed limits at a vehicular accident reconstruction site.

Amends Transportation Code Sections 544.002 and 553.002; Adds Transportation Code, Section 545.3561

Author: Brown, Fred Sponsor: Ogden

Enables cities and counties to authorize officials to lower speed limits temporarily “at the site of

an investigation using vehicular accident reconstruction” on certain highways.

Effective Date: September 1, 2011

Senate Bill 86

Relating to municipal contracts for enforcement of outstanding traffic violation arrest warrants.

Repeals Transportation Code Section 702.002

Author: Nelson Sponsor: Miller, Sid

Empowers all municipalities (instead of just home rule municipalities) to contract with a county or the Department of Motor Vehicles to block registration of a motor vehicle when the owner has an outstanding traffic warrant.

Effective Date: June 17, 2011

UTILITIES CODE

Title 2. Public Utility Regulatory Act

Senate Bill 855

Relating to assistance provided by the Office of Public Utility Counsel to interested parties on certain electricity matters involving certificates of convenience and necessity.

Amends Utilities Code Sections 13.003 and 37.054(a)

Author: Duncan Sponsor: Hilderbran

Permits the Office of Public Utility Counsel to advise persons who are interested parties on procedural matters related to proceedings before the Public Utility Commission on an application for a certificate of convenience and necessity filed by an electric utility.

Effective Date: June 17, 2011

Senate Bill 365

Relating to distributed generation of electric power.

Amends Utilities Code Sections 31.002 and 39.351(c); Adds Utilities Code Chapter 35 and Section 36.036

Author: Ogden

Sponsor: Strama

Permits a person who owns or operates a distributed natural gas generation facility to sell electric power generated by the facility. Defines a “distributed natural gas generation facility” as “a facility installed on the customer’s side of the meter that uses natural gas to generate not more than 2,000 kilowatts of electricity,” and amends the definition of a “power generation company” to expressly include a person who owns or operates a natural gas generation facility. Permits the electric utility, electric cooperative, or retail electric provider that provides retail electricity service to the facility to purchase the electric power generated by the facility at a mutually agreeable value, or at the request of the owner/operator of the facility the electric utility or electric cooperative shall allow the owner/operator to use transmission and distribution facilities to transmit the electric power to another entity in accordance with Public Utility Commission rules or a tariff approved by the Federal Energy Regulatory Commission (FERC). Permits an electric utility/cooperative to recover certain costs from the owner/operator related to interconnection of the distributed natural gas generation facility to the utility/cooperative and certain electric facility upgrades necessary and attributed to accommodating the owner/operator; provided, however, the utility/cooperative first provides a written good faith cost estimate to the owner/operator and the owner/operator agrees to pay such costs before the utility/cooperative incurs such costs. Authorizes the owner/operator to request that the Public Utility Commission resolve a dispute if the utility/cooperative attempts to recover costs that exceed the good faith estimate by more than 5%. Permits the public utility commission to establish simplified filing requirements for distributed natural gas generation facilities.

Effective Date: September 1, 2011

House Bill 1064

Relating to exempting certain customers from certain demand charges by transmission and distribution utilities.

Adds Utility Code Section 36.009.

Author: Pitts

Sponsor: Eltife

Requires commission to adopt rules by June 1, 2012 requiring transmission and distribution utilities to: (i) waive the application of demand ratchet provisions for each non-residential secondary service customer that has a maximum load factor equal to or below a factor set by commission rule; (ii) implement procedures to verify annually whether such customers qualify for the waiver; (iii) specify in the utility's tariff the basis for billing such qualifying customers for distribution service charges, and; (iv) modify the utility's tariff in its next base rate case to implement the waiver and specify the basis for distribution of service charges.

Effective Date: May 28, 2011

House Bill 971

Relating to electric transmission facilities.

Adds Utility Code Sections 37.053(c) and (d), and Section 37.056(d)

Author: King, Paul

Sponsor: Fraser

Provides that the Public Utility Commission (commission) may not require applicants for certificates of convenience and necessity to designate a preferred route for a proposed transition line facility. Mandates that the commission adopt or revise rules under Utilities Code, Section 37.053. Extends the rights of transmission facilities ordered or approved by the commission (under Utilities Code UC, Chapters 37 or 39) to include all public land, except land owned by the state, on which the commission has approved the construction of the line and provides that this does not limit municipality's rights or an electric utility's obligations under Utilities Code, Chapter 33 and is not intended to prevent a public utility from expressing a route preference in a proceeding under Chapter 37. Mandates that commission by rule establish additional criteria for granting a certificate for a transmission project that serves the ERCOT Power Region, that is not necessary to meet state or federal reliability standards and that does not serve a competitive renewable energy zone.

Effective Date: June 17, 2011

Senate Bill 937

Relating to priorities for restoration of electric service following an extended power outage.

Adds Utilities Code Section 38.072

Author: Lucio

Sponsor: Naishtat

Directs the Public Utility Commission to require by rule an electric utility to give nursing facilities, assisted living facilities, and facilities that provide hospice services the same priority the utility gives to a hospital in the utility's emergency operations plan for restoring power after an extended power outage; provided that the commission's rule must allow an electric utility to exercise the electric utility's discretion to prioritize power restoration for a facility after an extended power outage in accordance with the facility's needs and with the characteristics of the geographic area in which the power must be restored. Requires a municipally owned utility to report the emergency operations plan for restoring power to the above types of facilities to the municipality's governing body or the body vested with the power to manage and operate the municipally owned utility, and an electric cooperative to report the same to the board of directors of the electric cooperative.

Effective Date: September 1, 2011

Senate Bill 1153

Relating to the authority of the Public Utility Commission of Texas to participate in certain proceedings before the Federal Energy Regulatory Commission.

Adds Utilities Code, Chapter 39, Section 39.4525

Author: Williams

Sponsor: Ritter

Permits the Public Utility Commission (the commission), after consultation with and approval by the attorney general, to retain any consultant, accountant, auditor, engineer, or attorney (in each case, other than an individual who is required to register as a lobbyist under Government Code Section 305.003) the commission considers necessary to represent the commission in a proceeding before the Federal

Energy Regulatory Commission, or before a court reviewing proceedings of that federal commission related to the relationship of an electric utility to a power region, regional transmission organization, or independent system operator, or the approval of an agreement among the electric utility and the utility's affiliates concerning the coordination of the operations of the utility and its affiliates. Clarifies that any such consultant or other third party could be retained for conducting a study or investigation, presenting evidence, or advising or representing the commission. Requires the electric utility to pay timely the reasonable costs of such third-party's services, not to exceed a total of \$1.5 million in a 12-month period. Such costs and related carrying costs may be recovered through a rider approved by the commission. Provisions expire December 31, 2017.

Effective Date: May 20, 2011

Senate Bill 1125

Relating to energy efficiency goals and programs, public information regarding energy efficiency programs, and the participation of loads in certain energy markets.

Amends Utilities Code Section 39.905(a), (b) and (d); Adds Utilities Code Sections 39.9005(h) – (k), Section 39.9054; Repeals Utilities Code, Section 39.905(b-2)

Author: Carona Sponsor: Anchia

Revises, clarifies, and sets or resets targets related to the legislature's goals with respect to energy efficiency programs offered by electric utilities, including facilitating programs for demand-side renewal energy systems.

Broadens the areas for which the Public Utility Commission (the commission) shall provide oversight and adopt rules to ensure utilities achieve legislature's goals to include ensuring that programs are evaluated, measured and verified using a commission-approved framework that promotes effective program design, and consistent and streamlined reporting, and ensuring that a certified independent organization allows load participation in all energy markets for all customer classes to the

extent load participation complies with reliability and adequacy of service requirements and will increase market efficiency, competition, and customer benefits.

Broadens the types of programs that utilities may choose to implement to satisfy legislature's goals. Establishes parameters for demonstrating compliance for utilities in areas not open to competition, utilities in areas that are open to competition but cannot meet the requirements through retail electric providers or competitive energy service providers, and through the use of energy audit programs.

Permits commission to consider program designs using standardized forms and terms to help a residential or nongovernmental nonprofit customer make informed decisions. Requires electric utilities to submit electronically an energy efficiency plan and report on or before April 1st each year, in which the utility must provide information on the utility's performance in achieving energy efficiency goals for the previous five years, describe how the utility intends to achieve future goals, and provide other information the commission requires.

Effective Date: September 1, 2011

Senate Bill 924

Relating to the duties of certain utilities regarding energy efficiency reports and emergency notification systems.

Amends Utilities Code Sections 39.9051(f), 39.9052(b)); Adds Utilities Code Sections 39.9051(g) and (h), and 39.9052(c) and (d), and Government Code Section 418.192

Author: Carona Sponsor: Keffer

Clarifies that municipally owned utilities and electric cooperatives must report each year to the State Energy Conservation Office on a form developed by the office information from the previous calendar year regarding the combined effects of energy efficiency activities, including annual goals, programs enacted to achieve the goals, and any achieved energy demand or savings goals. Requires State Energy Conservation Office to provide these reports to the Energy Systems Laboratory at the Texas

Engineering Experiment Station of The Texas A&M University System to calculate energy savings and estimated pollution reductions resulting from reported activities, and for the results of such analysis to be shared with the Public Utility Commission, ERCOT, the U.S. Environmental Protection Agency, and the Texas Commission on Environmental Quality.

Provides that, with respect to disasters and emergencies that require action by a public service provider, including common carriers, telecommunication providers, and any other person or entity providing or producing heat, light, power or water, to correct the occurrence, inform others of the occurrence, protect lives or property, or temporarily reduce demand for or allocate supply of the provider's products or service to ensure public safety or preserve the integrity of service delivery mechanisms, a public service provider may enter into a contract for an emergency notification system for use in informing the provider's customer, governmental entities, and other affected persons regarding notice of a disaster or emergency, and any actions a recipient is required to take. Establishes protocol for providing notices to emergency management directors for political subdivisions, and requires the public service provider to cooperate with such emergency management officials. Permits a customer to decline to receive public service notices. Provides that above requirements do not apply to an emergency notification system in use by a public service provider on June 1, 2011.

Effective Date: June 17, 2011

Senate Bill 981

Relating to the regulation of distributed renewable generation of electricity.

Amends Utilities Code Section 39.916(a)(2); adds Utilities Code Section 39.916(k)

Author: Carona Sponsor: Anchia

Clarifies that neither a retail electric customer that uses distributed renewable generation nor the owner of the distributed renewable generation that the retail electric customer uses is an electric utility, power generation company, or retail electric provider, and that such person is

neither required to register with or be certified by the Public Utility Commission if, at the time the distributed renewable generation is installed, the estimated amount of electricity to be produced by the distributed renewable generation is less than or equal to the retail electric customer's estimated annual electricity consumption. Revises definition of "distributed renewable generation owner" to include (i) a retail electric customer on whose side of the meter distributed renewable generation is installed and operated, regardless of whether the customer takes ownership of such generation, and (ii) a person who by contract is assigned ownership rights to energy produced from distributed renewable generation located at the customer's premises on the customer's side of the meter.

Effective Date: September 1, 2011

House Bill 1504

Relating to statutory references to the common electronic infrastructure project formerly known as TexasOnline.

Amends Utilities Code, Section 55.203(a), Code of Criminal Procedure Article 45.0511(c-1), Education Code, Section 32.253(b), Government Code, various sections, Health and Safety Code, various sections, Transportation Code Section 548.258

Author: Munoz Sponsor: Hinojosa

Changes all statutory references from "TexasOnline" to "the state electronic Internet portal."

Effective Date: June 17, 2011

Title 3. Gas Regulation

Senate Bill 312

Relating to the exemption of certain electric cooperatives from certain regulations.

Amends Utilities Code Section 101.003(7), Natural Resources Code Section 111.001(2); Adds Utilities Code, Section 121.008, Natural Resources Code Section 111.003(c)

Author: Seliger Sponsor: Keffer

WATER CODE

Title 2. Water Administration

Senate Bill 660

Relating to the review and functions of the Texas Water Development Board, including the functions of the board and related entities in connection with the process for establishing and appealing desired future conditions in a groundwater management area.

Amends Water Code, various sections of the

Author: Hinojosa Sponsor: Ritter

TWDB reauthorization bill (extends “sunset” to 2023): (1) Requires a policy to encourage negotiated rulemaking and alternative dispute resolution. (2) Modifies and consolidates remedies for curing defaults by recipients of financial assistance. (3) Changes many provisions for geographic information systems. (4) Modifies state water planning requirements. (5) Requires new rules and standards for water use plans and reports, conservation, etc. (6) Adds provisions for determining when bonds are counted toward the constitutional limit on general revenue debt. (7) Revises rules for some groundwater conservation district proceedings and determinations of “desired future conditions.” (8) Adds many provisions for joint operations where there are multiple groundwater conservation districts in one management area. (9) Liberalizes appeals to TWDB regarding conduct of groundwater conservation districts and augments supervisory authority of TWDB. (10) Requires TWDB to model available water based on desired future conditions. (11) Contains other administrative and transitional provisions.

Effective Date: September 1, 2011

House Bill 2694

Relating to the continuation and functions of the Texas Commission on Environmental Quality and abolishing the On-site Wastewater Treatment Research Council.

Amends Water Code, Natural Resources Code and Health & Safety Code, various sections; repeals Water Code, Sections 5.228(e), 5.701(r),

Specifies that an electric cooperative or its subsidiary that sells electricity at wholesale is not a gas utility, is not subject to regulation as a gas utility, is not a public utility, and is not subject to any common law requirements or limitations applicable to a common carrier solely because it provides gas storage services for hire if the gas storage facility is predominantly operated to support the integration of renewable resources; provided that such a gas storage facility may not have a working gas capacity of greater than five billion cubic feet.

Effective Date: April 21, 2011

Title 5. Provisions Affecting the Operation of Utility Facilities

Senate Bill 1217

Relating to an excavator's duty to notify a notification center before excavating; providing civil and criminal penalties.

Amends Utilities Code, Sections 251.155, 251.201(b) and (c); Adds Utilities Code Sections 251.201 (a-1), (b-1), and (c-1), and 251.203(a-1)

Author: Estes Sponsor: Hilderbran

Prohibits an excavator from misrepresenting a fact or circumstance used in determination of an emergency excavation and establishes penalties for doing so. Penalties can range from \$1,000-\$2,000 for a first offense in a 12-month period, \$2,000-\$5,000 for a second offense in a 12-month period; and \$5,000-\$10,000 for a third offense in a 12-month period. Provides that if a county attorney or district attorney decides not to bring an action to recover a civil penalty, the board of directors of the Texas Underground Facility Notification Corporation may give the excavator a warning letter and require the excavator to attend a safety training course. The warning letter counts toward the number of offenses used in calculating penalties.

Effective Date: September 1, 2011

and 13.4521-13.455; Health & Safety Code, Sections 367.002-367.006 and 367.011

Author: Smith Sponsor: Huffman

TCEQ re-authorization bill (extends “sunset” to 2023): (1) Requires adoption of policy to encourage negotiated rulemaking and alternative dispute resolution. (2) Modifies dam-safety laws; exempts some dams. (3) Transfers some groundwater-protection functions relating to oil and gas activities to the Railroad Commission. (4) Modifies role of the public interest counsel. (5) Revises enforcement provisions, including use of compliance histories and supplemental environmental projects; requires a general enforcement policy. (6) Liberalizes use of alternative means of controlling pollution. (7) Raises limits on administrative penalties for violations (some up to \$25,000). (8) Tightens regulation of underground storage tanks, extends fees and allows TCEQ to reduce fees. (9) Adds rules for permit amendments allowing electric generating facilities to reduce emissions and comply with Section 112 of the federal Clean Air Act. (10) Modifies water rights sections regarding aquaculture, water-use information, watermasters and consideration of some court-ordered reservoir operating plans. (11) Authorizes the executive director to suspend or adjust water rights in case of drought or other emergency shortage of water. (12) Provides funds for Texas Low-Level Radioactive Waste Disposal Compact Commission. (13) Changes some regulatory assessments and fees and curtails TCEQ control. (14) Abolishes the On-site Wastewater Treatment Research Council. (15) Prohibits state agencies from contesting the issuance of permits or licenses by the TCEQ (but allows comment). (16) Requires the executive director to participate “as a party” in contested TCEQ cases to “support the executive director's position.” (17) Provides that commissioners who accept campaign contributions are deemed to resign. (18) Contains numerous provisions affecting the TCEQ, fees, contested cases and other proceedings.

Effective Date: September 1, 2011.

Senate Bill 430

Relating to written notice to a groundwater conservation district of groundwater contamination.

Amends Water Code Section 5.236

Author: Nichols Sponsor: Christian

Adds groundwater conservation districts to a list of notifications TCEQ must make in case of groundwater contamination.

Effective Date: September 1, 2011

Senate Bill 1003

Relating to penalties for, and emergency orders suspending, the operation of a rock crusher or certain concrete plants without a current permit under the Texas Clean Air Act.

Amends Water Code Sections 5.5145 and 7.052

Author: Fraser Sponsor: Smith, Wayne

(1) Authorizes TCEQ to assess a penalty for operating a rock crusher or a concrete plant without a preconstruction permit required under the Texas Clean Air Act, if the operator holds any type of permit issued by TCEQ other than the permit required for the facility. (2) Gives TCEQ discretion to issue an emergency order suspending operations if a facility is operating without the permit (prior law calls for mandatory suspension).

Effective Date: June 17, 2011

House Bill 1906

Relating to the idling of motor vehicles; providing a criminal penalty.

Adds Texas Water Code Section 7.1831

Author: Howard, D. Sponsor: Fraser

Makes it a Class C misdemeanor to violate a rule adopted by the Texas Commission on Environmental Quality relating to locally enforced motor vehicle idling limitations.

Effective Date: September 1, 2011

Senate Bill 875

Relating to compliance with state and federal environmental permits as a defense to certain actions for nuisance or trespass.

Amends Water Code Section 7.257

Author: Fraser Sponsor: Hancock

(1) Creates affirmative defense to some nuisance and trespass claims “arising from greenhouse gas emissions,” if the defendant’s actions were authorized by rule, permit, order, etc., and either: (i) the defendant is in “substantial compliance” with the rule, order, permit, etc., or (ii) state or federal regulators “exercised enforcement discretion.” (2) Does not apply to actions for noxious odor.

Effective Date: June 17, 2011

Senate Bill 573

Relating to certificates of public convenience and necessity for water or sewer services.

Amends Water Code Sections 13.245(c), 13.2451(a) and (b), 13.246(h), and 13.254(a) through (a-3); Adds Water Code Sections 13.245(c-1) through (c-5), 13.245(b-1) through (b-3), 13.254(a-5) through (a-11) and (h)

Author: Nichols Sponsor: Creighton

Adds exceptions to general prohibition that Public Utility Commission (the commission) may not grant to a retail public utility a certificate of public convenience and necessity for a service area within the boundaries or extraterritorial jurisdiction of a municipality without consent of the municipality, so long as the commission includes as a condition of certificate of public convenience and necessity that all water and sewer facility be designed and constructed in accordance with municipality’s standards for such facilities.

Authorizes commission, if municipality has not consented before 180th day after the date a landowner or a retail public utility submits to the municipality a formal request for service, to grant the certificate of public convenience and necessity without consent of the municipality if (i) commission makes required findings, (ii)

municipality has not entered into binding commitment to serve the area before the 180th day after the date a formal request was made, and (iii) requesting landowner/utility has not unreasonably refused to comply with municipality’s service extension and development process or to enter into a contract for water or sewer services with the municipality. Provides that commission is not required to make the findings otherwise required and may issue the certificate of public convenience and necessity if municipality formally refuses to provide service in proposed service area. Exempts from the foregoing exceptions certain counties based on location and/or population.

Prohibits commission from extending a municipality’s certificate of public convenience and necessity beyond its extraterritorial jurisdiction if an owner of land that is located wholly or partly outside the extraterritorial jurisdiction elects to exclude some or all of the landowner’s property within a service area; provided that this prohibition does not apply to a transfer of a certificate as approved by the commission and to certain counties based on location and/or population. Clarifies that an applicant for a certificate of public convenience and necessity that has land removed from the proposed service area because of a landowner’s election may not be required to provide service to the removed land. Modifies existing and provides new alternatives for decertification for a landowner to be released from the service area under an existing certificate of public convenience and necessity based in part on the size and location of the subject landowner’s property.

Effective Date: September 1, 2011

House Bill 805

Relating to the requirement that certain water service providers ensure emergency operations during an extended power outage.

Amends Water Code Section 13.1395

Author: Callegari Sponsor: Hegar

(1) Modifies the 2009 law compelling certain water utilities to adopt emergency operation

plans for power outages, which previously applied to counties with 3.3 million+ pop. (apparently Harris) and adjacent counties with 400,000+ pop. (apparently Fort Bend and Montgomery). (2) Raises population threshold for adjacent counties to 550,000 pop. (apparently includes Fort Bend but excludes Montgomery). (3) Prescribes dates for compliance.

Effective Date: June 17, 2011

House Bill 2619

Relating to emergency preparedness information about water facilities.

Amends Water Code Sections 13.1396; repeals Water Code Section 13.1396(a)(2)

Author: Callegari Sponsor: Whitmire

Amends emergency preparedness rules for certain water utilities (Harris County and nearby).

Effective Date: June 17, 2011

House Bill 1732

Relating to the provision by the Texas Water Development Board of financial assistance for certain projects.

Amends Water Code Sections 15.912, 15.975; 16.131 and 17.003

Author: Ritter Sponsor: Hinojosa

(1) Prohibits Water Development Board from approving applications for financial assistance if applicant fails to provide relevant information, including a water infrastructure financing survey. (2) Specifies that authorized-but-unissued water financial assistance bonds do not count toward the constitutional (general revenue) debt limit until the legislature makes an appropriation from the general revenue fund to pay the debt service. (3) Requires executive administrator to certify to the bond review board whether bonds are expected to be paid from the general revenue, or other sources. (4) Specifies that previously-issued bonds cease to count toward the constitutional general revenue debt limit if: (i) they are backed by insurance or

guarantee of payment from a source other than general revenue or (ii) Water Development Board demonstrates to the bond review board that the bonds no longer require payment from the general revenue, and the bond review board so certifies.

Effective Date: September 1, 2011

Senate Bill 370

Relating to the authority of the Texas Water Development Board to provide financial assistance for certain projects if the applicant has failed to complete a request for information relevant to the project.

Amends Water Code Sections 15.975, 15.912 and 16.131

Author: Seliger Sponsor: Ritter

Prohibits the Texas Water Development Board from approving or accepting applications if the applicant has failed to satisfactorily complete a request for information.

Effective Date: June 17, 2011

Senate Bill 360

Relating to the composition and use of money in the rural water assistance fund.

Amends Water Code Sections 15.992, 15.993, 15.994, 15.995 and 15.996

Author: Fraser Sponsor: Creighton

(1) Reworks statutes relating to the Rural Water Assistance Fund, including fund sources and allowable uses. (2) Authorizes TWDB to make loans (by promissory notes) to "nonprofit water supply or sewer service corporations."

Effective Date: September 1, 2011

House Bill 3090

Relating to the frequency of water audits by certain retail public utilities.

Amends Water Code Section 16.0121

Author: Creighton Sponsor: Nichols

(1) Mandates more-frequent water audits to compute water losses by retail public utilities receiving funds from the Texas Water Development Board (their audits must be annual, beginning in 2013). (2) Preserves existing five-year audit interval for other retail public utilities.

Effective Date: September 1, 2011

Senate Bill 181

Relating to the calculation and reporting of water usage by municipalities and water utilities for state water planning and other purposes.

Amends Water Code Sections 16.053, 16.403 and 16.404

Author: Shapiro Sponsor: Laubenberg

(1) Requires TWDB and TCEQ to develop uniform, consistent methodology and guidance for calculating water use and conservation for water conservation plans and other reports required by the Water Code. (2) Requires reporting and compilation of data. (3) Changes contents of regional water plans submitted to TWDB by water planning groups.

Effective Date: June 17, 2011

House Bill 451

Relating to the creation of a Don't Mess with Texas Water program to prevent illegal dumping that affects the surface waters of this state.

Adds Water Code Section 26.053

Author: Lucio, III/Creighton/Branch/Bohac
Sponsor: Hegar

(1) Requires TCEQ to establish a program to prevent illegal dumping affecting surface waters, including a toll-free hotline to report dumping and signs on major highway water crossings. (2) Allows a local government to work with TCEQ to participate in the program. (3) Requires TXDOT to cooperate with TCEQ in the placement of the signs.

Effective Date: September 1, 2011

House Bill 444

Relating to notification of applications for permits for certain injection wells.

Amends Water Code Sections 27.017 and 27.018

Author: Creighton Sponsor: Landtroop

Requires TCEQ to notify local groundwater conservation districts about applications and permits for injection wells to dispose of industrial or municipal waste.

Effective Date: May 21, 2011

Senate Bill 313

Relating to priority groundwater management areas.

Amends Water Code Sections 35.007, 35.008, 35.012, 35.013, 36.0151 and 36.0171

Author: Seliger Sponsor: Price

(1) Revises rules for "priority groundwater management areas," including provisions for: (i) including them in new or existing groundwater conservation districts, (ii) fees and (iii) taxes. (2) Requires a 50-year planning period (up from 25). (3) Provides for district boundary changes and related matters.

Effective Date: September 1, 2011

Senate Bill 737

Relating to the management of groundwater production by groundwater conservation districts.

Amends Water Code, Sections 36.001, 36.1071, 36.108 and 36.1132

Author: Hegar Sponsor: Price

(1) Requires groundwater conservation districts to take into account "modeled available water" in their management plans and permitting decisions. (2) Requires consideration of both exempt and non-exempt pumping.

Effective Date: September 1, 2011

Senate Bill 332

Relating to the ownership of groundwater below the surface of land, the right to produce that groundwater, and the management of groundwater in this state.

Amends Water Code Sections 36.002 and 36.101

Author: Fraser Sponsor: Ritter

(1) Recognizes ownership of sub-surface water by landowners, “as real property.” (2) Defines scope of such ownership, allowable regulation, etc. (3) Requires groundwater management districts to take such ownership (and other factors) into account when making rules. (4) Exempts the Edwards Aquifer Authority, the Harris-Galveston Subsidence District and the Fort Bend Subsidence District.

Effective Date: September 1, 2011

Senate Bill 727

Relating to groundwater conservation district management plans.

Amends Water Code Sections 36.1071, 36.1072, 36.108, 36.116, 36.122, 36.207, 36.301 and 36.3011

Author: Seliger Sponsor: Beck

Imposes uniform terminology for references to management plans of groundwater conservation districts.

Effective Date: April 29, 2011

Senate Bill 691

Relating to the exemption from permitting by groundwater conservation districts for certain water wells used for domestic, livestock, and poultry watering purposes.

Amends Water Code Section 36.117

Author: Estes Sponsor: King

Clarifies that groundwater conservation districts may not require a permit for a well that is: (i) used solely for domestic use, livestock or poultry, (ii) located on a tract larger than 10 acres *and* (iii) drilled, completed, or equipped to

be “incapable of producing more than 25,000 gallons of groundwater a day” (all three tests must be met).

Effective Date: September 1, 2011

Senate Bill 692

Relating to exemptions from groundwater conservation district permit requirements.

Amends Water Code Section 36.117

Author: Estes Sponsor: Miller

(1) Specifies that groundwater conservation districts may grant exemptions from permit requirements “by rule.” (2) Requires districts to exempt any well that is: (i) used solely for domestic use, livestock or poultry, (ii) located on a tract larger than 10 acres *and* (iii) drilled, completed, or equipped to be “incapable of producing more than 25,000 gallons of groundwater a day.” (3) Allows more regulation of exempt wells and water produced.

Effective Date: May 9, 2011

House Bill 3109

Relating to the rulemaking power of certain groundwater conservation districts.

Amends Water Code Section 36.121

Author: Craddick Sponsor: Seliger

Changes scope of an existing law limiting the rulemaking power of certain groundwater conservation districts for wells and water in counties with populations under 14,000.

Effective Date: June 17, 2011

Senate Bill 693

Relating to permit application and amendment hearings conducted by groundwater conservation districts and the State Office of Administrative Hearings.

Amends Water Code Sections 36.406, 36.416, 36.4165 and 36.418

Author: Estes Sponsor: Price

(1) Requires groundwater conservation districts to contract with the State Office of Administrative Hearings to conduct a hearing when “requested by the applicant or other party to a contested case.” (2) Provides for time limits, payment of costs, rulemaking, etc.

Effective Date: May 12, 2011

House Bill 965

Relating to continuing education requirements for persons holding licenses issued by the Texas Commission on Environmental Quality.

Amends Water Code Section 37.008

Author: Callegari/Creighton Sponsor: Hegar

Authorizes TCEQ to provide online continuing education courses for water system operators and wastewater treatment facility operators.

Effective Date: September 1, 2011

Title 4. General Law Districts

Senate Bill 914

Relating to the applicability to certain regional water districts of provisions concerning bond approval by the Texas Commission on Environmental Quality.

Amends Water Code Section 49.181

Author: Wentworth Sponsor: Miller

Exempts certain multi-county districts from the requirement to get TCEQ approval of their bonds.

Effective Date: May 9, 2011

Senate Bill 1361

Relating to the audit report exemption for certain general and special law districts.

Amends Water Code, Section 49.198

Author: Estes Sponsor: Handcastle

Raises the financial threshold above which water districts must prepare full audit reports (to

\$250,000 in gross receipts or investments, up from \$100,000).

Effective Date: August 29, 2011

House Bill 1901

Relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water entities.

Amends Water Code Sections 49.181, 49.052 and 49.183

Author: Keffer Sponsor: Birdwell

Exempts bonds issued by some large “public utility agencies” (*see* Chapter 572, Local Government Code) from TCEQ review and approval requirements.

Effective Date: May 28, 2011

Senate Bill 569

Relating to the rates charged by certain conservation and reclamation districts for potable water or wastewater service to recreational vehicle parks.

Amends Water Code Section 49.2122

Author: Jackson Sponsor: Taylor

Requires water districts to set water and wastewater rates for campgrounds and RV parks on the same basis as rates for commercial entities.

Effective Date: September 1, 2011

Senate Bill 1140

Relating to payment by a water control and improvement district for certain damages caused by the district’s operation of a sanitary sewer system.

Adds Water Code Section 51.340

Author: Watson Sponsor: Hartnett

(1) Allows a water control and improvement district to pay for actual property damages caused by a backup of its sanitary sewer system.

(2) Provides that payment will not waive governmental immunity from suit or liability.

Effective Date: May 28, 2011

Senate Bill 512

Relating to the qualification of supervisors of a fresh water supply district.

Amends Water Code Section 53.063

Author: Hegar Sponsor: Creighton

Allows a registered voter to qualify to be a supervisor of a fresh water supply district (as an alternative to historic qualification based on property ownership).

Effective Date: September 1, 2011

Senate Bill 333

Relating to election procedures and qualifications of members of boards of directors for water supply or sewer service corporations.

Amends Water Code Sections 67.0051, 67.0052, 67.0053, 67.0054 and 67.007

Author: Fraser Sponsor: King

(1) Revises qualifications and election procedures for board members of water supply or sewer service corporations. (2) Provides for “independent election auditors.” (3) Prescribes quorum and meeting procedures.

Effective Date: September 1, 2011

House Bill 1814

Relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

Amends Water Code Section 67.0105; amends Health & Safety Code Section 341.0358

Author: Lucio, III Sponsor: Lucio

(1) Authorizes water supply or sewer service corporations to contract with government entities or volunteer fire departments to supply them water to fight fires. (2) Limits liabilities.

(3) Requires cities with 36,000 to 41,000 pop. to adopt standards for fire hydrants and water pressure (current requirement applies to cities with 1,000,000+ pop.).

Effective Date: September 1, 2011

Senate Bill 1104

Relating to the operation, powers and duties of ship channel districts.

Amends Water Code Sections 68.051, 68.152, 68.156, 68.161, 68.301, 68.303, 68.307 and 68.313; adds Water Code Sections 68.255, 68.256, 68.401, 68.402, 68.403, 68.404, 68.405 and 68.406.

Author: Jackson, Mike Sponsor: Smith, Wayne

(1) Modifies nominating process for directors of ship channel district security zone boards. (2) Prescribes meeting procedures and financial reports. (3) Clarifies assessment powers. (4) Provides for addition or exclusion of territories and facilities.

Effective Date: May 20, 2011

UNCODIFIED LEGISLATION

House Bill 1129

Relating to a study by the attorney general of the effects on state law and authority of certain international and other agreements and bodies.

Author: Kolkhorst Sponsor: Hegar

Requires the attorney general to conduct a study to determine whether the existing laws of the state of Texas are or may be affected by agreements between the United States, the State of Texas and foreign governments or foreign governmental-related entities. Sets the considerations for the attorney general to take into account in implementing the study, including agreements or other arrangements involving NAFTA, the World Trade Organization and the United Nations.

Effective Date: June 17, 2011

House Bill 1263

Relating to powers, duties, and financing of certain facilities finance corporations.

Amends Cultural Education Facilities Finance Corporation Act (Article 1528m, Vernon's Texas Civil Statutes), Sections 2(a), 3(5), 4(b), and 4(c,) and adds Section 4(e).

Author: Lucio III Sponsor: Shapiro

Provides for the creation of cultural education facilities finance corporations with the same powers as a health facilities development corporation under Chapter 221 (Health Facilities Development Act), Health and Safety Code, and the same powers, authority, and rights with respect to certain facilities. Provides that the powers of that corporation include the power to acquire, purchase, lease, mortgage, and convey property, borrow money, issue bonds, and other obligations; and secure its obligations by encumbering its property or assets. Authorizes the corporation to exercise its powers on behalf of a user outside of this state if the user also conducts lawful activities in this state.

Effective Date: June 17, 2011

House Bill 2702

Relating to the application of statutes that classify political subdivisions according to population.

Amends various statutory provisions establishing rights and obligations for political subdivisions, entities and individuals based upon population.

Author: Solomons Sponsor: Eltife

Amends numerous codes to adjust population descriptions contained within the statutes based on the 2010 census information. Revises statutory provisions in the Agriculture Code, Alcoholic Beverages Code, Civil Practice & Remedies Code, Code of Criminal Procedure, Education Code, Election Code, Family Code, Government Code, Health & Safety Code, Human Resources Code, Insurance Code, Labor Code, Local Government Code, Natural Resources Code, Property Code, Tax Code,

Transportation Code, Utilities Code, Water Code and General Revised Civil Statutes.

Effective Date: September 1, 2011

House Bill 3174

Relating to the stay of recognition or enforcement of a foreign country judgment to allow for de novo review of a contract or agreement for a sale, offer for sale, or sell under The Securities Act.

Adds Section 33-2 to The Securities Act (Vernon's Texas Civil Statutes)

Author: Madden Sponsor: Harris

Provides for a de novo review by a Texas court to determine whether or not a party seeking recognition or enforcement of a foreign country judgment has violated the Texas laws with respect to deceptive trade practices. Sets out the process for seeking de novo review. Provides that a finding by a court of a violation of the Securities Act or Chapter 17, Business & Commerce Code, is sufficient ground for nonrecognition of a foreign country judgment involving a contract or agreement for sale, offer for sale, or sell, or investment, that imposes an obligation of indemnification or liquidated damages upon a Texas resident.

Effective Date: June 17, 2011

Senate Bill 509

Relating to the validation of a home-rule charter for certain municipalities

Author: Lucio Sponsor: Lozano

Validates certain home-rule charters adopted by election between June 1, 2009 and December 31, 2009 (with a list of exceptions)

Effective Date: May 28, 2011

Senate Bill 540

Relating to a study of the fiscal impact of adjusting the amount of the ad valorem tax exemption to which disabled veterans and the surviving spouses and children of disabled veterans and certain members of the armed forces are entitled.

Author: Van de Putte Sponsor: Gonzalez,
Naomi

Directs Comptroller of Public Accounts to perform a study of the fiscal impacts on State and local governments that would have been created during the past 10 years by adjustment of the maximum exemption under Tax Code Section 11.22 to reflect the percentage change from the preceding tax year in the average market value of residence homesteads; report due December 1, 2012. Act expires January 1, 2013.

Effective Date: June 17, 2011

END OF REPORT

VI. COMMITTEE ROSTER



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VII. Index of Bills

(Note: Bills listed in alphabetical, not numerical, order.)

HB 1040	41	HB 1906	78	HB 2826	31
HB 1046	26	HB 1917	34	HB 2853	66
HB 1064	73	HB 1951	34	HB 2857	38
HB 1071	61	HB 2002	38	HB 2866	21
HB 109	72	HB 2047	7	HB 2869	61
HB 1090	66	HB 2103	29	HB 289	10
HB 1111	53	HB 2160	43	HB 2902	37
HB 1112	69	HB 2203	27	HB 2920	36
HB 1118	65	HB 2207	43	HB 2931	17
HB 1127	53	HB 2226	29	HB 2949	38
HB 1129	84	HB 2251	27	HB 3090	80
HB 1146	47	HB 2266	39	HB 3096	39
HB 1168	58	HB 2284	46	HB 3109	82
HB 1174	41	HB 2313	25	HB 3174	85
HB 1178	23	HB 232	61	HB 3216	62
HB 1201	69	HB 2375	47	HB 326	21
HB 1215	49	HB 2396	72	HB 3287	46
HB 1228	60	HB 240	32	HB 3302	43
HB 1263	85	HB 2408	35	HB 3352	39
HB 1278	59	HB 2425	21	HB 3372	30
HB 1300	48	HB 2457	24	HB 3389	51
HB 1390	54	HB 2468	5	HB 3391	30
HB 1449	49	HB 2492	50	HB 3399	33
HB 1456	55	HB 2507	48	HB 345	40
HB 1500	25	HB 2541	72	HB 3453	16
HB 1504	76	HB 257	56	HB 3465	22
HB 1510	48	HB 2584	39	HB 3487	6
HB 1529	50	HB 2592	17	HB 3597	43
HB 1559	23	HB 2594	18	HB 360	13
HB 1643	38	HB 2604	36	HB 362	59
HB 1711	5	HB 2619	80	HB 364	57
HB 1728	41	HB 265	28	HB 3674	10
HB 1732	80	HB 266	72	HB 423	72
HB 1737	71	HB 2663	44	HB 444	81
HB 1781	27	HB 2690	41	HB 451	81
HB 1808	3	HB 2694	77	HB 499	65
HB 1814	84	HB 2702	85	HB 51	24
HB 1818	29	HB 2716	37	HB 558	16
HB 1821	60	HB 2729	40	HB 563	69
HB 1841	66	HB 274	8	HB 590	67
HB 1862	58	HB 2761	60	HB 627	20
HB 1887	62	HB 2770	40	HB 628	30
HB 1891	11	HB 2779	59	HB 628	29
HB 1901	83	HB 2793	3	HB 630	68

HB 645	63	SB 1258	32	SB 332	82
HB 650	57	SB 1271	10	SB 333	84
HB 654	22	SB 1295	45	SB 360	80
HB 707	42	SB 131	33	SB 365	73
HB 716	49	SB 1320	4	SB 367	22
HB 726	28	SB 1338	24	SB 370	80
HB 782	39	SB 1341	64	SB 402	42
HB 788	33	SB 1353	5	SB 412	42
HB 8	51	SB 1361	83	SB 416	36
HB 805	79	SB 1368	57	SB 422	42
HB 843	62	SB 1385	64	SB 425	34
HB 844	40	SB 1393	40	SB 428	8
HB 896	62	SB 1404	64	SB 430	78
HB 908	14	SB 141	19	SB 432	65
HB 91	36	SB 1420	68	SB 449	63
HB 930	65	SB 1422	72	SB 480	20
HB 962	8	SB 1441	64	SB 481	50
HB 965	83	SB 1478	45	SB 482	60
HB 971	74	SB 1496	51	SB 485	11
HB 984	19	SB 1505	64	SB 508	37
HJR 63	13	SB 1518	22	SB 509	85
SB 1000	48	SB 1546	66	SB 512	84
SB 1003	78	SB 1568	7	SB 516	63
SB 1008	14	SB 1596	44	SB 519	11
SB 101	54	SB 1605	33	SB 520	43
SB 1024	49	SB 1613	25	SB 539	55
SB 1044	45	SB 1638	26	SB 540	85
SB 1048	29	SB 1660	23	SB 548	68
SB 1073	30	SB 1692	37	SB 551	65
SB 1082	37	SB 17	15	SB 569	83
SB 1103	10	SB 1716	20	SB 573	79
SB 1104	84	SB 1719	69	SB 577	26
SB 1120	71	SB 1760	39	SB 582	7
SB 1124	14	SB 1789	38	SB 602	26
SB 1125	75	SB 1796	23	SB 605	19
SB 1130	26	SB 18	52	SB 609	43
SB 1134	32	SB 181	81	SB 627	67
SB 1140	83	SB 1812	46	SB 650	71
SB 1153	74	SB 19	70	SB 652	21
SB 1160	9	SB 201	63	SB 656	44
SB 1165	15	SB 249	14	SB 660	77
SB 1187	52	SB 312	76	SB 682	23
SB 1197	58	SB 313	81	SB 690	55
SB 1198	50	SB 316	11	SB 691	82
SB 1217	77	SB 322	35	SB 692	82
SB 1230	44	SB 323	7	SB 693	82
SB 1233	54	SB 327	28	SB 701	28
SB 1234	42	SB 328	55	SB 710	51
SB 1250	32	SB 329	31	SB 727	82

SB 731	70	SB 803	41	SB 924	75
SB 735	35	SB 85	20	SB 937	74
SB 737	81	SB 855	73	SB 981	76
SB 747	46	SB 86	73	SB 988	28
SB 748	6	SB 873	13	SJR 14	12
SB 760	27	SB 875	79	SJR 16	12
SB 762	17	SB 886	8	SJR 26	13
SB 767	4	SB 888	71	SJR 28	13
SB 782	3	SB 889	56		
SB 792	22	SB 914	83		