

INITIAL REPORT:
HOT BILLS
IN THE
79TH LEGISLATURE

APRIL 29, 2005

REAL ESTATE LEGISLATIVE AFFAIRS COMMITTEE
STATE BAR OF TEXAS



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Real Estate Legislative Affairs Committee
79th Legislative Session
ROSTER

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**HOT BILLS 2005; 79TH LEGISLATIVE SESSION
REAL ESTATE LEGISLATIVE AFFAIRS COMMITTEE**

AFFORDABLE HOUSING			
<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 1167	Relating to the continuation of the Department of Housing and Community Affairs	The Texas Department of Housing and Community Affairs (TDHCA) Sunset Bill passed during the 78th Legislative Session, S. B. 264, sought to bring balance back to the state's affordable housing programs primarily through modification of the most important public/private partnership - the Low Income Housing Tax Credit Program. During the Interim of the 78 th Session, the House Committee on Urban Affairs was charged with studying the implementation of S. B. 264 and found that TDHCA had not in fact properly implemented many of the reforms contained in S. B. 264. Filed primarily to correct the shortcomings in implementation of S. B. 264, C.S.H.B. 1167 provides clarification to the agency to allow it to focus on providing affordable housing and partnering with housing sponsors. C.S.H.B. 1167 also focuses on the allocation processes and the computation of the regional allocation formula to allow for the department to address housing needs across the state without overreaching its authority.	04-14-05 H Reported from committee as substituted House Urban Affairs
HB 2266	Relating to the authority of municipalities to enact requirements that establish the sales price or limits the eligible buyers for certain housing units or residential lots	Some municipalities have apparently gotten in the habit of conditioning the issuance of development and building permits for residential developments on the developer agreeing to designate a certain number of housing units as low-income housing units, often resulting in the sale of homes to qualified individuals at below market rates. This forces other home buyers to subsidize low-income housing by paying higher prices for their own homes. This bill prohibits municipalities from mandating housing prices for the private sector, but the bill does allow them to offer incentive programs to developers in exchange for providing affordable housing units to the community.	04-27-05 H Set on the House Calendar 04-27-05 H Laid out for discussion 04-27-05 H Postponed on second reading until 10:00 a.m., Friday, April 29, 2005.

AFFORDABLE HOUSING

SB 964	Relating to the authorization, administration, and funding of the program to provide financial assistance for the construction of water supply and sewer services for economically distressed areas	The 71st Legislature, Regular Session, 1989, passed S.B. 2, which was the state's first major attempt to address the problems associated with colonias. S.B. 2 established the Economically Distressed Areas Program (EDAP) which provided financial assistance in the form of grants and loans for water and wastewater service to economically distressed areas. Under the bill, the Texas Water Development Board (board) was made the EDAP administrator. S.B. 2 directed the board to develop model rules to assure water and sewer services to residential developments and to strengthen platting requirements. Under EDAP, counties or municipalities would be required to adopt the model rules to become eligible for state financial assistance for water and wastewater projects. C.S.S.B. 964 continues the built-in provisions of EDAP's original eligibility requirements to prevent future substandard colonia-like developments in different parts of the state. C.S.S.B. 964 extends EDAP statewide to address traditional EDAP communities' and non-EDAP communities' water and wastewater needs by providing the board new bonding authority, contingent on voter approval, of up to \$500 million.	04-27-05 S Placed on the Senate Intent Calendar
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ANNEXATION

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 323	Relating to a revision of the procedures for municipal annexation	A municipality may annex certain land upon voter approval. An election must be held whereby certain guidelines must be met. The same rules apply to disannexation. These changes do not affect, apply to or limit the ability of adjacent municipalities to make mutually agreeable changes in boundaries that are less than 1,000 feet in width. The annexation guidelines now apply to areas wherein the voters request annexation. A home-rule municipality with a boundary in common with a district may now only annex the district if the whole district is annexed. If an area is disannexed, it may not be annexed again before the 10 th anniversary of the disannexation. Further, if an area is disannexed but still owes debt, the municipality may continue to assess property taxes against the area until the taxes are collected.	04-18-05 H Reported favorably from committee on House Land and Resource Management

ANNEXATION

HB 585	Relating to the requirements for the incorporation of a municipality in the extraterritorial jurisdiction of an existing municipality	<p>Proposal would permit residents of an ETJ to file with the county judge of the county in which the proposed municipality is located a written petition signed by at least 10 percent of the registered voters of the area to order an incorporation election. The election would be held under the same process as is used for a municipality under Local Government Code, Chapter 8, and the municipality would be incorporated if a majority of voters approved. The bill would apply only to an ETJ:</p> <ol style="list-style-type: none"> 1. Of an existing municipality with more than 1 million residents that had operated under a three-year annexation plan for at least 10 years 2. That had not been included in the municipality's annexation plan before the 180th day before the request for consent was received; and 3. For which the existing municipality refused consent <p>The original bill would have applied statewide, but the committee substitute is bracketed to include communities in the ETJ of the city of San Antonio.</p>	<p>04-22-05 H Passed (Vote: Y:142/N: 0) 04-26-05 S Referred to Senate Committee on Senate Intergovernmental Relations</p>
SB 1104	Relating to the transfer of extraterritorial jurisdiction between certain home-rule and general-law municipalities and annexation of certain territory by the general-law municipalities	<p>Proposed definitions of "Accepting municipality" and "Releasing municipality". The area to be annexed must meet certain guidelines, including that it must not be identified for annexation by the releasing municipality or on its annexation plan, and it must be contiguous to the accepting municipality's corporate limits or ETJ.</p>	<p>04-25-05 S Reported favorably from committee as amended Senate Intergovernmental Relations 04-25-05 S Recommended for Local/Uncontested Calendar</p>

BROKERS

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
NONE	NONE	NONE	NONE

CIVIL LITIGATION AND CONDEMNATION

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 729 SB 847	Relating to an order by a court that a judgement debtor turn over certain property for the satisfaction of the judgment	<p>Would allow a court to order turnover of non-exempt property to satisfy a judgment without specifying the non-exempt property.</p>	<p>03-23-05 H Passed (Vote: Y:142/N: 0) 04-27-05 S Voted favorably from committee on Senate Jurisprudence</p>

CIVIL LITIGATION AND CONDEMNATION

<p>HB 2833 SB 1647</p>	<p>Relating to regulatory takings of private real property</p>	<p>Would amend the “Private Real Property Rights Preservation Act” (a 1995 legislative attempt to afford private property owners more certainty that appropriate compensation would be provided if governmental actions substantially reduce the value of the property) to eliminate the municipal government exception, and establish impervious cover baseline protections for all privately owned land in Texas. “Impervious cover” is defined in the Texas Administrative Code as being that portion of a site developed with rooftops, parking lots, sidewalks and other imp ermeable surfaces constructed on a tract of land. This bill would also amend the Act to provide a private cause of action to determine whether the takings impact assessment complies with the Attorney General's guidelines.</p>	<p>04-26-05 H Voted favorably from committee as substituted House Land and Resource Management</p>
<p>HB 3017</p>	<p>Relating to the procedure for initiating and the award of certain costs in eminent domain proceedings</p>	<p>Would require that an entity conduct an appraisal of the specific property it wished to obtain before making an offer to buy the land. A general appraisal of similarly situated property would <u>not</u> be sufficient to meet this requirement. The appraisal would have to consider the effect of the proposed condemnation on the value of any portion of the property not condemned. If the property to be acquired were less than 2,000 square feet, then an appraisal would not be required unless the landowner requested one. The bill also would prohibit an entity, when making an offer to buy land for public use, from including an offer to purchase land that it did not have the authority and intention to acquire through condemnation. If the entity and the landowner were not able to agree on a price and a condemnation proceeding were brought by the entity, evidence that the entity’s offer to purchase was based on the required appraisal would be prima facie evidence that the offer and negotiations were conducted in good faith on the entity’s part. If the court found that the entity did not act in good faith, the court could order the entity to pay the landowner’s costs in defending the condemnation suit, including the landowner’s attorney’s fees and expert witness fees. An award of fees would be limited to \$250,000. The bill also would require the clerk of a district or county court to collect court costs and attorney’s fees and expert witness fees in an eminent domain proceeding if the court awarded such fees to the landowner.</p>	<p>04-21-05 H Passed 04-25-05 S Referred to Senate Committee on Senate State Affairs</p>

CIVIL LITIGATION AND CONDEMNATION

SB 165	Relating to the regulation of private process servers	Comprehensive regulation of private process servers, including required annual licensing, and background criminal history checks.	04-19-05 S Passed (Vote: Y: 29/N: 0) 05-02-05 H Meeting set for 2:00 P.M. House Judiciary
SB 890	Relating to the amount of recovery in a civil actions	Restores the election of the dollar- for-dollar credit for settling with one of several defendants, just as in medical liability cases, revising an unintended effect of 2003's HB 4 tort reform bill.	04-13-05 S Passed (Vote: Y: 30/N: 0) 04-18-05 H Referred to House Committee on House Civil Practices
SB 1578 HB 2672	Relating to jurisdiction and venue in condemnation proceedings	Would grant both district courts and county courts at law concurrent jurisdiction in eminent domain cases in every county in the state, notwithstanding any other law.	04-22-05 S Reported favorably from committee on Senate Jurisprudence

CONSTRUCTION

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 265	Relating to the time for processing a municipal building permit	<p>Would set deadlines for municipalities to act on permits for constructing or improving buildings or other structures within their jurisdictions. Upon receipt of a building permit application, a municipality would have to:</p> <ul style="list-style-type: none"> ● grant or deny the permit to the applicant within 45 days; ● provide written notice to the applicant explaining why the municipality had not acted on the application, which would add 30 days from the date notice was received to the municipality's deadline for reaching a decision; or ● reach a written agreement with the applicant establishing a deadline for reaching a decision. <p>If the municipality failed to act within these deadlines and/or agreements, the municipality could not collect any application fees and would have to refund to the applicant any fees collected.</p>	03-23-05 H Passed 03-30-05 S Referred to Senate Committee on Senate Intergovernmental Relations

CONSTRUCTION

<p>HB 266</p>	<p>Relating to the time for processing a county building permit</p>	<p>Would set deadlines for counties to act on permits for constructing or improving buildings or other structures within their jurisdictions. Upon receipt of a building permit application, a county would have to:</p> <ul style="list-style-type: none"> ● Agrant or deny the permit to the applicant within 45 days; ● Aprovide written notice to the applicant explaining why the county had not acted on the application, which would add 30 days from the date notice was received to the county’s deadline for reaching a decision; or ● Areach a written agreement with the applicant establishing a deadline for reaching a decision. <p>If the county failed to act within these deadlines and/or agreements, the county could not collect any application fees and would have to refund any fees collected to the applicant.</p>	<p>02-28-05 H Passed 03-30-05 S Referred to Senate Committee on Senate Intergovernmental Relations</p>
<p>HB 951</p>	<p>Relating to construction affecting pipeline easements and rights-of-way</p>	<p>Would make a constructor who violates current law regulating construction affecting pipeline easements or rights-of-way civilly liable to the pipeline facility operator or owner and would provide the operator or owner injunctive relief against the constructor. A constructor violating the statute would be liable to the owner or operator of a pipeline facility for damages to the facility proximately caused by the violation, including any liability the owner or operator would incur as a result of the violation. Liability would attach only if violation of the statute caused the damage.</p>	<p>03-30-05 H Passed (Vote: Y:142/N: 0) 04-05-05 S Referred to Senate Committee on Senate Natural Resources</p>
<p>SB 334</p>	<p>Relating to the remedy provided for failure to disclose certain information in certain residential construction transactions.</p>	<p>Claimant may recover from the contractor a civil penalty of \$500 in addition to any other remedy provided by TPC Chp 27 if:</p> <ol style="list-style-type: none"> (1) the contract does not contain the notice required by TPC 27.007; and (2) the claimant proves actual damages were proximately caused by the construction defect. 	<p>03-17-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-27-05 H Voted favorably from committee on House Civil Practices</p>
<p>SB 848/ HB 1704</p>	<p>Relating to the approval of certain permit applications by local governments</p>	<p>Would amend Local Government Code, ch. 245 to:</p> <ul style="list-style-type: none"> ● broaden the definition of "permit" to include a contract or other agreement for the construction of or provision of service from a utility owned, operated, or controlled by a regulatory agency; ● require permit approval to be based on the regulations in effect at the time an original application was filed for any purpose, including a review of the application for administrative completeness; ● allow permit rights to vest upon the filing of a permit application or development plan that gave a regulatory agency fair notice of the project, with the application considered to be filed upon delivery to the regulatory agency in person or when deposited by certified mail with the U.S. Postal Service. ● authorize a regulatory agency to require compliance with all applicable technical requirements in effect at the time of filing. 	<p>04-27-05 G Signed by the Governor 04-27-05 G Earliest effective date</p>

CONVEYANCES AND LIENS

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 371	Relating to liquidated damages for failure to timely provide an annual accounting statement required in connection with certain conveyances of real property	Requires notice provision in contracts for deed transactions regarding seller's annual statement, gives purchaser the right to demand the annual statement, and reduces fine for seller's failure to timely provide an annual statement.	04-27-05 H Passed
HB 629	Relating to notice required for a mechanic's, contractor's, or materialman's lien in certain circumstances	This bill would requires notices regarding termination of M & M's liens.	04-22-05 H Passed 04-25-05 S Received in the Senate - Not referred
HB 961	Relating to the location of a sale of real property under a contract lien	Allows a county commissioner's court to change the location of foreclosure sales by recording the new designation in the county's real property records.	03-31-05 H Passed on local calendar (Vote: Y:147/N: 0) 04-06-05 S Referred to Senate Committee on Senate Intergovernmental Relations
HB 999	Relating to the duration of a lien for the enforcement of child support arrearages	Restricts duration of child support lien to the earliest of: (1) payment of arrearage in full; (2) date lien is otherwise released; or (3) 20 years from the date the notice of lien was recorded.	04-11-05 H Reported favorably from committee on House Juvenile Justice and Family Issues
HB 1021	Relating to the right of first refusal in certain real estate transactions	This bill would prohibit charging a fee for declining to exercise a right of first refusal and would allow a title company to accept evidence that a person has solicited a fee as proof that the person has waived the right.	04-27-05 H Passed to third reading
HB 1234 SB 1154	Relating to the appointment of substitute trustees in certain foreclosures	A mortgage servicer may appoint a trustee, notwithstanding anything in the deed of trust; an attorney can appoint an attorney to be trustee.	03-30-05 H Recommended for Local and Consent Calendar

CONVEYANCES AND LIENS

<p>SB 629 HB 1823</p>	<p>Relating to the rights of a purchaser under an executory contract for conveyance of real property</p>	<p>Comprehensive regulatory bill for executory contracts for the conveyance of real property (contracts for deed, generally). Includes residential leases of real property with an option to purchase the property in the definition of an executory contract for conveyance of real property. Allows purchaser to convert executory contract into recorded, legal title; provides mechanism.</p>	<p>04-27-05 S Passed (Vote: Y: 29/N: 0)</p>
<p>SB 810 HB 1739</p>	<p>Relating to the regulation of the sale and inspection of real estate</p>	<p>Comprehensive TREC "housekeeping" bill, including changes regarding licensing of inspectors, numerous changes regarding licensing requirements, corporate and business broker's license changes, intermediary relations law changes and broker liability reduction changes.</p>	<p>04-07-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-27-05 H Committee action pending Licensing and Administrative Procedures</p>
<p>SB 1162 HB 1919</p>	<p>Relating to notice in certain property transactions concerning public improvement districts</p>	<p>Requires the seller of a single-family residence that is subject to a PID assessment to give written notice thereof to a prospective buyer of the residence at or prior to placing the residence under an executory contract for the purchase of the property. The form of notice and certain excepted transfers are provided for in the bill as well as the rights of a buyer who is not given the required notice. This bill is patterned after a current statutory requirement for notice to a purchaser of residential property that is governed by a homeowner's association and subject to periodic homeowner dues payments.</p>	<p>04-22-05 H Reported favorably from committee as amended House Business and Industry 03-21-05 S Introduced and referred to committee on Senate Intergovernmental Relations</p>
<p>SB 1587</p>	<p>Relating to certain foreclosure notice requirements</p>	<p>Requires notice to other lienholders of the transfer of a tax lien.</p>	<p>04-28-05 S Passed on local calendar (Vote: Y: 31/N: 0)</p>

COUNTY LAND USE REGULATION

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 281	Relating to the authority of certain counties to apply a county fire code to certain buildings	Expands allowable scope of county fire codes to include: (1) a multifamily residential dwelling consisting of four or more units (in addition to a commercial establishment or a public building).	04-26-05 H Recommended for Local and Consent Calendar
HB 1287	Relating to county abatement of a public nuisance	Allows counties to sue to abate nuisances like illegal dumping or “a hazardous visual obstruction” on county property; provides for notices, etc.	04-21-05 H Passed 04-25-05 S Referred to Senate Committee on Senate Intergovernmental Relations
SB 142 HB 477	Relating to the authority of a county to regulate land development after a local option election	If authorized by the voters, county could require: (1) water and sewer, (2) fire suppression, (3) buffers for residential areas, and (4) providing or paying for necessary infrastructure. Certain exemptions apply (e.g., ag uses).	04-28-05 S Passed on local calendar (Vote: Y: 31/N: 0)
SB 200	Relating to county authority to regulate vehicular or pedestrian gates to gated communities	Imposes various emergency access rules on gated communities in unincorporated areas; authorizes county regulation.	03-17-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-28-05 H Meeting set for 8:00 A.M., E2.014 House Land and Resource Management
SB 736 HB 631	Relating to the authority of certain counties to apply a county fire code to certain buildings	Expands allowable scope of county fire codes to include: (1) a multifamily residential dwelling consisting of four or more units (in addition to a commercial establishment or a public building); (2) substantial improvements or changes in occupancy of covered buildings.	04-14-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-18-05 H Referred to House Committee on House County Affairs
SB 768	Relating to the authority of counties to regulate the use of outdoor lighting	Broad authority for counties to regulate outdoor lighting to prevent glare, skyglow, light trespass and other adverse effects.	04-26-05 S Recommended for Local/Uncontested Calendar

CRIMINAL

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 1690	Relating to the element of common nuisance	Would require that a person who maintained a place or a multiunit residential property considered a common nuisance would have to have knowingly tolerated activities that occurred there. Condominiums would be included in the definition of a multiunit residential unit. Would extend liability for knowingly tolerating a common nuisance to a council of owners of a condominium (which includes all the apartment owners in a condominium project) or a unit owners' association of a condominium. Proof of the frequent commission of activities described in the statute would be <i>prima facie</i> evidence that the defendant tolerated, rather than permitted, the activity. However, evidence that the defendant or another person called the police in reference to the activity would not be sufficient to show that the defendant tolerated the activity. Finally, in a suit brought after a meeting to air complaints about a alleged common nuisance, evidence that the defendant or another person called the police in reference to the activity would not be admissible to show that the defendant tolerated the activity.	04-22-05 H Passed 04-26-05 S Referred to Senate Committee on Senate State Affairs

E-COMMERCE

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 2452	Relating to uniform law on documents of title	This bill provides for an electronic system of transfer for electronic documents of title, not previously authorized by law but regularly used in practice, while maintaining provisions for the traditional paper system of documents of title.	04-28-05 H Set on the House Calendar
SB 335 HB 1187	Uniform Real Property Electronic Recording Act	Would clarify and add to existing state laws which relate to electronic recordation of electronic transactions. Further clarifies the authority of a recorder to receive and record documents and information in electronic form. Maintains any state law requirements, such as describing or requiring that a document be an original, on paper, or in writing, and to ensure that a document in electronic form satisfies those requirements.	03-17-05 S Passed (Vote: Y: 30/N: 0) 04-26-05 H Voted favorably from committee on House Business and Industry

ENTITIES AND FRANCHISE TAX

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 1154 SB 1702	Relating to limited liability companies and partnerships	Would amend current statutes (the TLLCA, the TRLPA, and the TRPA) more closely to the BOC; revises procedures for certain transactions that culminate in filings with the Secretary of State's Office. Would revise the TRLPA to provide that the Secretary of State's Office would regard a limited partnership as continuing in existence until a certificate of cancellation was filed. It also would specify filing requirements for a conversion under the TRLPA and would subject conversions of general partnerships to limited partnership, and of limited partnerships to general partnerships, to the general conversion provisions in the TRPA and the TRLPA.	03-30-05 H Passed 04-25-05 S Recommended for Local/Uncontested Calendar
HB 1319 SB 586	Relating to business entities and associations	HB 1319 would: <ul style="list-style-type: none"> ●Areconcile inconsistent provisions in the BOC; ●Areflect the actual effective date of the BOC; ●Arevise filing procedures for certain types of transactions; ●Afill gaps in coverage of certain provisions of the BOC; and ●Aspecify the transition rules for application of the BOC's provisions. 	03-30-05 H Passed 04-25-05 S Recommended for Local/Uncontested Calendar
HB 1507 SB 746	Relating to the regulation of corporations	HB 1507 would amend the TBCA to make various revisions, adding: <ul style="list-style-type: none"> ●Arequired language to be set forth on stock certificates regarding the limitation or denial of preemptive rights; ●Arequired provisions in articles of incorporation regarding any limitation or denial of preemptive rights; ●Arequired provisions of articles of Incorporation regarding the granting of cumulative voting in the election of directors; ●Adefinitions of the terms "organizational documents" and "direct or indirect wholly owned subsidiary"; and ●ATravis County as a venue, in addition to any other venue, in which a suit could be brought for transacting business without a certificate of authority. 	03-30-05 H Passed 04-25-05 S Recommended for Local/Uncontested Calendar
SB 876	Relating to financial reporting requirements of a nonprofit corporation	Requires board of directors to prepare or approve a financial activity report which conforms to AICPA standards, not later than 180 days after the close of the corporation's fiscal year.	04-07-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-12-05 H Referred to House Committee on House Business and Industry

ENVIRONMENTAL AND ENERGY

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 86/ SB 519	Relating to compliance histories for and incentives to reward compliance performance by entities regulated by the TCEQ	Comprehensive change to the TCEQ's process of classifying a person's compliance history and determination of repeat violators, generally giving TCEQ more flexibility while repealing certain current standards.	03-17-05 H Passed (Vote: Y:105/N: 39) 04-28-05 S Meeting set for 1:30 P.M. Senate Natural Resources
HB 1358	Relating to the jurisdiction of the TCEQ over certain water supply or sewer service corporations	Expands the TCEQ's jurisdiction over certain water supply and sewer service corporations to coincide with its jurisdiction over water supply and sewer utilities.	04-22-05 H Reported from committee as substituted House Natural Resources
SB 1130	Relating to a requirement that a pipeline operator report contamination	This bill requires a pipeline owner or a common carrier to report contamination that is discovered in the course of placing, replacing, repairing or maintaining its pipeline, regardless of whether its pipeline is the source of the contamination. The bill requires the TCEQ or someone authorized by the TCEQ to enter the land and take a soil sample within 3 days of the report of the contamination.	04-26-05 S Passed (Vote: Y: 27/N: 0) 04-26-05 H Received in the House - Not referred
SB 1413	Relating to county brownfield cleanup and economic redevelopment programs	Authorizes counties over 250,000 in population to establish programs for brownfields cleanup and development. Programs may be funded through tax abatement incentives, county loans, bonds, taxes and assessments.	04-21-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-21-05 H Received in the House - Not referred

HOME EQUITY

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
SJR 7 HJR 21	Relating to authorizing line-of-credit advances under a reverse mortgage	This bill would amend the Texas Constitution to allow senior homeowners to draw advances under a reverse mortgage at unscheduled intervals if and when needed, and only in amounts needed, during the loan term.	03-03-05 S Passed (Vote: Y: 30/N: 0) 03-30-05 H Reported from committee as substituted House Financial Institutions

INSURANCE

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 941	Relating to restriction on the use of claims history for certain water damage	Insurers are allowed to base residential insurance rates, in part, on the number and extent of water-damage claims relating to appliances. If there are more than 3 appliance water-related claims, then the insurer can use that information for setting rates. This bill expands the TDI adopted definition of "Appliance" to include "hoses." The practical effect, since a number of damage claims are associated with hose leaks, etc., is to expand the number of instances where insurers can use such information to set rates. <u>Practical Analysis.</u> Broadens the number of instances in which insurers are entitled to use appliance-related damage claims (even if fully remediated) for purposes of setting rates. Texas Association of Realtors supports this bill; Texas Coalition of Affordable Insurance solution is against this bill because of data concerning number of losses experienced due to hose malfunctions.	04-20-05 H Passed 04-22-05 S Referred to Senate Committee on Senate Business and Commerce
HB 2871	Relating to rates for certain insurance within certain rating territories	Article 5.171, Insurance Code provides that an insurer may not use rating territories that subdivide a county unless the rate for any subdivisions within that county is not greater than 15% higher than the rate used in any other subdivisions in the county by that insurer. An exception is provided to allow the commissioner by rule, to allow a rate difference greater than 15%. By rule (TAC 5.9960), the Commissioner may allow insurers writing residential property and personal auto to have differences greater than 15% as long as the rates are actuarially supported. This bill clarifies that the 15% cap only applies to residential property and personal automobile insurance.	04-14-05 H Passed on local calendar 04-19-05 S Referred to Senate Committee on Senate Business and Commerce

LANDLORD AND TENANT

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
SB 399	Relating to liability of certain individuals for certain governmental fines or penalties	A landlord or a landlord's manager or agent may not charge or seek reimbursement from the tenant for the amount of a fine imposed on the landlord by a governmental entity unless the tenant or another occupant of the tenant's dwelling actually caused the damage or other condition on which the fine is based.	03-31-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-04-05 H Referred to House Committee on House Business and Industry
SB 1186	Relating to the effect that certain decisions regarding military service have on residential leases and lease agreements	A Tenant may have special statutory rights to terminate the lease early in certain situations involving family violence or a military deployment or transfer.	04-28-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-28-05 H Received in the House - Not referred

LENDING AND UCC

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 846	Relating to deferred presentment transactions	Comprehensive regulation of deferred presentment transactions and lenders for deferred presentment transactions.	04-20-05 H Reported from committee as substituted House Financial Institutions
HB 955	Relating to interest rates, usury, consumer protections, commercial and consumer lending, licensing of mortgage brokers, savings bank charters, and the regulation of lenders	Omnibus bill both amending and adding to existing provisions of the Texas credit laws.	04-22-05 H Reported from committee as substituted House Financial Institutions
HB 1236 SB 1156	Relating to an exemption from the Real Estate License Act for persons who conduct foreclosure sales	This bill seeks to continue the mortgage industry's practice of not requiring a trustee to be licensed as a real estate broker to conduct a foreclosure sale.	03-31-05 H Passed on local calendar (Vote: Y:147/N: 0) 04-25-05 S Recommended for Local/Uncontested Calendar
HB 1547	Relating to the form of the loan contract and related documents for a consumer loan	If the terms of the loan (home equity loans regulated by the OCC) are negotiated in Spanish, a copy of a summary of those terms shall be provided to the debtor in Spanish.	04-25-05 H Reported from committee as substituted House Financial Institutions
HB 2232 SB 1563	Relating to uniform law on negotiable instruments and bank deposits and collections	The purpose of this bill is to update provisions of Chapters 3 and 4, Business & Commerce Code, to reflect the changes promulgated in the UCC that provide essential rules for the new technologies and practices in payment systems, including payment by checks and other paper instruments. The bill also enacts nonuniform provisions with regard to demand drafts or remotely created items.	04-14-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-26-05 H Recommended for Local and Consent Calendar

LENDING AND UCC

<p>HB 2452 SB 1593</p>	<p>Relating to uniform law on documents of title</p>	<p>Contains the revision of Article 7 of the UCC as promulgated by the National Conference of Commissioners on Uniform State Laws. Renames Article 7 "Documents of Title"; includes provisions for electronic system of transfer for electronic documents of title. The bill would repeal all of current UCC Chapter and replacing it with this bill's provisions.</p>	<p>04-14-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-26-05 H Voted favorably from committee on House Business and Industry</p>
<p>HB 2761</p>	<p>Relating to the amount of homeowners insurance required in connection with certain financing arrangements</p>	<p>This bill clarifies Insurance Code Sec. 549.056 (a) and (d) to acknowledge Sec. 549.0551, whereby allowing lenders to require evidence of insurance in an amount to cover a debt or loan, except where the requirement would be a condition of financing a mortgage or any other financing arrangement for residential property. The amendatory language ensures that this particular statute will not be interpreted to allow lenders to require insurance in an amount exceeding the replacement value of the dwelling and its contents.</p>	<p>04-14-05 H Passed on local calendar (Vote: Y:140/N: 0) 04-26-05 S Voted favorably from committee on Senate Business and Commerce</p>
<p>SB 362</p>	<p>Relating to certain condominium owners' right to redeem real property following certain foreclosure sales</p>	<p>Currently, condominium owners' rights of redemption are different from the rights of property owners. As proposed, S.B. 362 amends Chapter 82 (Uniform Condominium Act), Property Code, to provide the right of redemption to the owner of a condominium.</p>	<p>04-28-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-28-05 H Received in the House - Not referred</p>
<p>SB 807 HB 1049</p>	<p>Relating to interest rate ceilings on certain commercial loans</p>	<p>As proposed, S.B. 807 exempts commercial loans of more than \$7 million that are secured by real property and commercial loans of more than \$500,000 that are not secured by real property from interest rate regulation. NOTE: The House Financial Institutions Committee considered companion House Bill 1049 and refused to refer it to a subcommittee or report the bill from committee. This suggests that SB 807, though it passed the Senate, may have difficulty passing in the House.</p>	<p>04-07-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-12-05 H Referred to House Committee on House Financial Institutions</p>
<p>SJR 21 HJR 43</p>	<p>Relating to authorizing the legislature to define rates of interest for commercial loans</p>	<p>Would allow Legislature, rather than state constitution, to set interest rates for "commercial loans", defined as a loan made primarily for business, commercial, investment, agricultural, or similar purposes and not primarily for personal, family, or household purposes.</p>	<p>04-14-05 S Passed (Vote: Y: 31/N: 0) 04-26-05 H Reported favorably from committee on House Financial Institutions</p>

MANUFACTURED HOUSING

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 2438	Relating to the acquisition and regulation of manufactured homes	This bill became "hot" as this report was going to press. If this bill passes, the final legislative update report will provide a more detailed analysis. This bill makes a large number of changes to provisions of the Occupations Code governing the manufactured housing industry. Changes include revisions and/or additions to the Code regarding the licensing of salespersons, continuing professional education requirements for salespersons, delivery of a mandatory disclosure form to consumers, attempts to convert a home from real to personal property without lienholder consent, and abandonment of a manufactured home.	04-27-05 H Passed to third reading

MISCELLANEOUS

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 45 SB 219	Relating to notaries public	Requires notaries public to take an educational course, which must be completed and passed before a candidate becomes qualified to be a notary public. Details the requirements of such a course.	03-09-05 S Committee action pending Senate Jurisprudence
HB 46 SB 220	Relating to the maintenance of records by a notary public	Allows a notary public to maintain records electronically.	03-31-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-04-05 H Referred to House Committee on House State Affairs
HB 1045 SB 1360	Relating to amendments to the Timeshare Act	Significant updates to the Texas Timeshare Act, including increasing the power of the Texas Real Estate Commission to regulate the industry.	04-07-05 H Passed on local calendar 04-12-05 S Referred to Senate Committee on Senate Business and Commerce
HB 1607	Relating to a request for public information that is sent to a governmental body by electronic mail	E-mail is considered to have been received on the first business day after the date that the e-mail was received by the governmental officer or officer's designee.	04-19-05 H Reported from committee as substituted House State Affairs
HB 2748 SB 574	Relating to requirements for the issuance of land development permits by political subdivisions	Would allow municipal zoning, land use, and annexation regulations on landscaping, tree preservation, and park or open space dedication to vest upon the filing of a permit application. An agency could enact a regulation that placed an expiration date on a permit of not less than two years if no progress had been made toward project completion.	04-14-05 S Passed (Vote Y: 30/N: 1) 04-27-05 H Passed

MUNICIPAL UTILITY DISTRICTS

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 1208	Relating to a limitation on the use of eminent domain by municipal utility districts	Would prohibit a MUD from using eminent domain powers, outside its district boundaries, to acquire a site for (1) a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal facility; (2) a park, swimming pool, or other recreational facility except a trail; or (3) a trail on real property designated as a homestead.	04-22-05 H Reported from committee as substituted House Natural Resources

PRIVACY

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 698	Relating to the disposal of certain business records that contain personal identifying information	Requires businesses to dispose of documents in a manner to protect a person's identifying information, i.e. by shredding, erasing or other means. Failure to properly dispose of documents would result in a civil penalty of \$500 for each record, collectible by the attorney general. Limited exceptions.	04-22-05 H Passed 04-25-05 S Received in the Senate - Not referred
HB 1130 SB 754	Relating to the adoption of a privacy policy by a person who required the disclosure of an individual's social security number	Requires persons who require disclosure of someone's SSN to adopt and publish a privacy policy, which must include how personal information is collected, how and when the personal information is used, how the personal information is protected, who has access to the personal information, and how the personal information is disposed. Limited exceptions. Violation would result in a civil penalty of \$500 for each calendar month during which a violation occurs.	04-13-05 H Passed 04-18-05 S Referred to Senate Committee on Senate Business and Commerce
HB 2191 SB 1485	Relating to providing that the social security number of a living person is excepted from required disclosure under the public information law	HB 2191 would except social security numbers from disclosure under the Public Information Act and allow governmental bodies to redact the social security number of a living person from documents disclosed under the act without having to request an attorney general's decision.	04-18-05 H Passed (Vote: Y:137/N: 0) 05-02-05 S Meeting set for 9:00 A.M., Senate State Affairs
SB 461/ HB 1368	Relating to the confidentiality of and access to certain personal information in instruments recorded with a county clerk	Changes language of required notice. Would provide that the county clerk may not under any circumstance reject an instrument presented for recording solely because the instrument fails to comply with this section [Notice of Confidentiality Rights – right to strike SSN on filed instruments].	04-07-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-25-05 H Voted favorably from committee on House State Affairs

PROPERTY OWNERS' ASSOCIATIONS

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
NONE	NONE	NONE	NONE

RECREATIONAL LAND USE

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
NONE	NONE	NONE	NONE

REGULATED PROFESSIONS

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 826	Relating to the licensure of certain attorneys license to practice law in other jurisdictions to practice law in Texas	Allows distance-educated, out-of-state attorneys to sit for the Texas Bar Exam, if they meet other qualifications.	04-18-05 H Reported favorably from committee on Licensing and Administrative Procedures
HB 1573	Relating to the definition of the practice of architecture	The bill provides a more detailed definition of the practice of architecture and would specify that a person would not need to be registered as an architect to perform certain activities included in the definition.	03-29-05 H Passed 04-05-05 S Received in the Senate - Referred to Senate Business and Commerce
HB 2179	Relating to the practice of professional surveying	Clarifies that the practice of "professional surveying" includes the acquisition of survey data and the preparation of technical reports when performed in connection with other regulated acts.	04-14-05 H Passed on local calendar (Vote: Y:140/N: 0) 04-19-05 S Referred to Senate Committee on Senate Business and Commerce
HB 3033 SB 1550	Relating to licensing attorneys	This bill eliminates the rule imposing a five time limit on the number of times the Bar Examination can be taken in Texas. In addition, the bill will allow attorneys who have been disbarred to be reinstated without taking the Bar Examination if they have practiced 20 years in good standing in Texas prior to disbarment.	04-15-05 H Reported from committee as substituted Licensing and Administrative Procedures
SB 381	Relating to the regulation of real estate appraisers	Allows the appraisal standards board to establish educational qualifications for trainees, requires an applicant to pass the licensing examination within one year of applying for the license, and aligns Texas' statutes with federal mandates for the term of a non-resident temporary license, among other provisions.	03-31-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-04-05 H Referred to House Committee on Licensing and Administrative Procedures

SPECIAL PURPOSE DISTRICTS

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 1673	Relating to the procedure for conversion and creation of a special utility district	Second consecutive legislative attempt to remove conversions from water supply corp. form to SUD form, from requirement to go through a contested case hearing.	04-22-05 H Passed on local calendar 04-26-05 S Referred to Senate Committee on Senate Natural Resources

SPECIAL PURPOSE DISTRICTS

SB 466	Relating to the creation and authority of municipal development districts	Currently, a municipality is authorized to call an election to create a municipal development district and levy a sales tax to provide for the development of public projects in the district, if the city is located in more than two counties. C.S.S.B. 466 expands the authorization to create a municipal development district to any municipality or the municipality's extraterritorial jurisdiction with a combined sales tax rate below the 8.25 percent tax cap.	03-17-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-01-05 H Reported favorably from committee on House Local Government Ways and Means
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STATE LAND USE REGULATION

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 599	Relating to erecting or maintaining certain outdoor signs	Provides additional enforcement tools for illegal off-premise signs visible along rural roads, including criminal fines.	04-21-05 H Passed 04-25-05 S Referred to Senate Committee on Senate Transportation & Homeland Security

STATE LAND USE REGULATION

<p>HB 2236 SB 1346</p>	<p>Relating to restrictions on the imposition of permit fees by political subdivisions</p>	<p>The bill establishes that a regulatory agency may impose a permit fee only in the amount that is necessary to cover the cost of processing the permit application, granting that permit, and compensate the regulatory agency for the actual and attributable costs of infrastructure or improvements for which the fee is imposed. Revenue collected from the permit fee may not be used for any other purposes than described above. Once a year, a regulatory agency who charges a permit fee will adopt a budget which details expenses covered through the process of reviewing and granting regulatory permits as well as the expected revenue that agency anticipates collecting over the course of the budget year. Each year the regulatory agency will then conduct an audit to assess whether there was a surplus or deficit in the budget from the collection of permit fee revenue. Adds that before increasing the price of a permit fee, a regulatory agency must first host two public hearings to discuss the matter and publish a notice of each hearing at least thirty days in advance of the scheduled meeting. It also must also make available thirty days before the first hearing a study that is conducted by the regulatory agency, which outlines how an increase in the price of the fee is necessary to cover the agency's cost of processing and issuing that particular permit. Increases in the price of a permit fee will not take effect until thirty days after the date of the approved increase and may not be increased before the first anniversary of the effective date of the previous increase in the permit fee. Any person who suspects that an agency has violated these provisions may contact the Attorney General's office to request an investigation who then may initiate a proceeding in district court to compel performance of the requirements of this chapter. A person may also bring about their own action in district court. If a regulatory agency is found to be in violation of these provisions they must reimburse each person who paid the fee found to be in violation, and must cover any legal expenses incurred by a person or entity enforcing this chapter.</p>	<p>04-27-05 H Passed</p>
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TAX-SALES AND PROPERTY

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
<p>HB 182</p>	<p>Relating to the determination through binding arbitration of certain ad valorem tax protests brought by property owners</p>	<p>Allows an owner of residential real property to have a protest concerning the appraised or market value of residential real property determined through binding arbitration if the appraised or market value, as applicable, of the property as determined by the appraisal district is \$1 million or less. Appraisal districts must provide notice of this right with qualifying notices of appraised values.</p>	<p>04-20-05 H Passed 04-22-05 S Referred to Senate Committee on Senate Jurisprudence</p>

TAX-SALES AND PROPERTY

<p>HB 1006</p>	<p>Relating to certain limitations on the ad valorem tax rates of certain taxing units</p>	<p><u>NOTE:</u> The engrossed version of this bill was not yet available for review at the time this summary was written. This bill would prohibit counties and municipalities with total taxes over \$5mm from adopting a tax rate that exceeds the effective tax rate until it has held a public hearing. (At the risk of oversimplifying, the effective rate is basically the rate that applied to current year's tax base would yield the same revenue as the previous year). This change is designed to lower the threshold rate beyond which a unit must hold public hearings before adopting (previously the rate had to exceed the lower of the rollback tax rate or 103% of the effective tax rate). The threshold applicable to taxing units other than the aforesaid counties and municipalities is also lowered, but by changing the statutory formula for determining the rollback tax rate. (At the risk of oversimplifying once again, the rollback tax rate is currently the effective maintenance and operations component of the tax plus 8% plus the current debt rate). The formula change reduces the rate at which a unit can raise the effective maintenance and operations component of its tax without a hearing from 8% to 5%.</p> <p>Recent House floor amendments added "rollback relief" for unfunded state mandates. These provisions increase the effective rate and the rollback tax rate in response to such mandates. The intent appears to be to help insulate the unit from exposure to rate rollback elections which might otherwise be authorized because of an increase in taxes necessary to meet the unfunded mandate. Similar "rollback relief" would be permitted due to changes in the municipal cost index.</p> <p>Attempts to impose an automatic trigger for public rate rollback elections failed in the House, meaning citizens must still petition to force a rate rollback.</p>	<p>04-20-05 H Passed 04-22-05 S Referred to Senate Committee on Senate Jurisprudence</p>
<p>HB 1958</p>	<p>Relating to the authority of certain persons to bring suits to require an appraisal district or an appraisal review board to comply with the property tax laws</p>	<p>Under current Ch. 43 of the Tax Code, only taxing units may sue an appraisal district to compel compliance with the Property Tax Code. This bill would expose both the appraisal district and the appraisal review board to suit. This bill would also allow the following additional parties to bring suit: (1) a property owner, (2) a lessee of property who is contractually obligated to pay ad valorem taxes, (3) an agent of a property owner, and (4) any other person authorized to bring an action on behalf of a taxing unit or the aforesaid additional parties. A prevailing plaintiff would be entitled to attorneys' fees. The House Research Organization analysis for this bill suggests the bill is aimed in part at giving private parties recourse against the unequal taxation of property (i.e., when taxing districts overlap and a district refuses to adopt the lowest of the districts' appraisal as required by law) and compelling recalcitrant districts to qualify exemptions they are otherwise currently rejecting.</p>	<p>04-22-05 H Passed 04-26-05 S Referred to Senate Committee on Senate Natural Resources</p>

TAX-GENERAL

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 3101	County clerk and re-platting	HB 3101 modifies Section 12.002(e) of the Property Code to provide that a plat or re-plat may not be filed for record after September 1 of any year unless a tax certificate is attached indicating that the taxes have been paid (if assessed) or if not yet assessed, a statement from the taxing authority describing that the current taxes have yet to be assessed.	04-14-05 H Passed on local calendar 04-19-05 S Referred to Senate Committee on Senate Intergovernmental Relations

TITLE AND SURVEY

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 854 SB 490	Relating to an action for damages alleging professional negligence by a registered professional land surveyor	Currently, actions against architects and engineers for damages alleging professional negligence must be accompanied by an affidavit of a third-party professional in the same practice area as the defendant that states at least one negligent act, error, or omission claimed to exist and the factual basis for each such claim. This bill expands the third party affidavit requirement in professional negligence actions against professional land surveyors.	04-20-05 H Passed (Vote: Y:140/N: 3) 05-02-05 S Meeting set for 9:00 A.M., Senate State Affairs
HB 885	Relating to premium reserve amounts required for title insurers	HB 885 is designed to address "over-reserving" of Texas title underwriters so that an unnecessary amount of working capital is not tied up. HB 885 proposes to give the commissioner the authority to reduce that amount of statutory premium reserves that a Texas title underwriter must maintain from 25 cents per \$1,000 of retained liability to 18 cents per \$1,000 of retained liability.	03-23-05 H Passed on local calendar 04-26-05 S Voted favorably from committee on Senate Business and Commerce
HJR 82/ SJR 40	Relating to clearing land titles by relinquishing and releasing any state claim to sovereign ownership or title to interest in certain land	HJR 82 is designed to resolve confusion about a surveyor's responsibility to correct a survey that has already been accepted by, and placed in the official records of, the GLO. Apparently errors have been found in surveys done for our on behalf of the GLO after being accepted.	04-14-05 S Passed (Vote: Y: 31/N: 0) 04-26-05 H Voted favorably from committee on House Land and Resource Management
SB 1454	Relating to the definition of professional surveying	Currently, the acquisition of survey data and the preparation of technical reports are not specifically identified as the practice of professional surveying in the Act. As a result, it is unclear whether the Texas Board of Professional Land Surveying has the authority to regulate the acquisition of survey data and the preparation of technical reports when performed by a registered professional land surveyor in connection with property surveying or other similar professional practices. S.B. 1454 clarifies that the practice of "professional surveying" includes the acquisition of survey data and the preparation of technical reports when performed in connection with other regulated acts.	04-21-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-21-05 H Received in the House - Not referred

TRANSPORTATION

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 259	Relating to the powers of a County, municipality or local entity with respect to the regulation of traffic on highways under its jurisdiction	Repeals 2003 legislation which granted authority to use red light cameras.	02-28-05 H Passed (Vote: Y:113/N: 23) 04-19-05 S Committee action pending Senate Intergovernmental Relations
HB 1347 SB 665	Relating to power of local authority to enforce compliance with a traffic-control signal on a highway under its jurisdiction by a photographic traffic signal enforcement system	Prohibits local authorities from using red light cameras in traffic signal enforcement.	04-19-05 H Passed (Vote: Y:130/N: 14) 04-21-05 S Referred to Senate Committee on Senate Intergovernmental Relations
HB 2021	Relating to the identification and administration of land located in a future transportation corridor of a county	Permits agreements between TXDOT and counties to identify future transportation corridors and requires landowners subdividing land to state whether their tract identified in such an agreement and the county may require the dedication of land in platting process for corridor.	04-21-05 H Passed 04-25-05 S Referred to Senate Committee on Senate Transportation & Homeland Security
HB 2650	Relating to local government participation in the financing of turnpike projects	Authorizes local authorities to enter into agreements with TXDOT, regional mobility authorities or private entities to construct and maintain toll roads in exchange for a percentage of the toll revenues. The local authority may use any monies available to it for road purposes in this type of project.	04-19-05 H Passed 04-21-05 S Referred to Senate Committee on Senate Transportation & Homeland Security
HB 2653	Relating to the use of tax increment reinvestment financing to pay certain costs associated with certain transportation or transit projects	TIRZ districts with either bus rapid transit or rail transit projects are given the authority to use tax increment fund to acquire land outside of the TIRZ to reserve as open space (to compensate for density in TIRZ).	04-19-05 H Passed (Vote: Y:136/N: 5) 04-21-05 S Referred to Senate Committee on Senate Transportation & Homeland Security

UTILITIES

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 2876	Relating to certificates of public convenience and necessity for water service and sewer service	Changes the regulations under which CCNs are granted or amended by amending Texas Water Code Chapter 13. See summary under Water category below.	04-04-05 H Committee action pending House Natural Resources

UTILITIES

SB 408	Relating to the continuation of the Public Utility Commission until Sept., 2011	Broad sunset bill.	04-25-05 S Reported from committee as substituted Senate Government Organization
SB 765 HB 2047	Relating to the regulation of water and sewer utility services	Changes the regulations under which CCNs are administered by amending Texas Water Code Chapter 13.	04-04-05 H Committee action pending House Natural Resources 03-10-05 S Introduced and referred to committee on Senate Natural Resources
SB 1116	Relating to the authority of a water and sewer utility to acquire property by eminent domain	Authorizes use of eminent domain by holder of CCN to acquire easements or lesser property interests reasonably necessary to comply with state or federal regulations; prohibits use of eminent domain to acquire rights to underground water, water or water rights.	04-21-05 S Passed on local calendar (Vote: Y: 31/N: 0) 04-21-05 H Received in the House - Not referred

WATER

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 387	Relating to prohibiting the Commission on Environmental Quality from amending, interpreting, impairing, or modifying a written contract for the wholesale provision of water	Under current law, the TCEQ is allowed to change prices in certain contracts for water. This bill limits the ability of the TCEQ to enter into contract disputes between private parties in an effort to prevent some stakeholders from using the agency in negotiating a better position.	04-12-05 H Reported from committee as substituted House Natural Resources
HB 1225	Relating to the grounds for an exemption from cancellation of a water right for nonuse	Allows the TCEQ to exempt a state water right from cancellation for non-use if the non-use resulted from a water conservation measure that was part of a water conservation plan submitted by the water right holder. The bill applies only to a cancellation proceeding pending before the TCEQ on the bill's effective date or that is initiated on or after the effective date.	04-07-05 H Passed on local calendar (Vote: Y:147/N: 0) 04-12-05 S Referred to Senate Committee on Senate Natural Resources
HB 1657 SB 1514	Relating to the administration by the Water Development Board of certain water-related programs financed by federal funds	This bill amends Section 16.093 of the Texas Water Code to broaden the Texas Water Development Board's authority to receive federal grant money or other assistance from any agency for water supply project assistance. Provides authority for the TWDB to administer EPA water and wastewater projects in Texas.	04-07-05 H Passed on local calendar (Vote: Y:147/N: 0) 04-28-05 S Passed on local calendar (Vote: Y: 31/N: 0)

WATER

<p>HB 2424</p>	<p>Relating to the consideration of historic or existing use in the regulation of pumping by a groundwater conservation district</p>	<p>Provides that a groundwater user, who changes the purpose or location of use of groundwater in a groundwater conservation district, loses the right to produce groundwater or must be treated as a new user. This bill also establishes that a groundwater conservation district which regulates production based upon existing or historic use must give a user in a groundwater district its maximum amount of historical water prior to the creation of the district.</p> <p><u>NOTE:</u> this bill has been included on the “hot” list not for its speed through the committee but because of the turmoil involved with the subject matter and its impact on Texas water law and all groundwater conservation districts. It is one of the most hotly contested topics for the future of water conservation and it is a top priority of water marketers that historic use no longer be used in the permitting process.</p>	<p>04-26-05 H Voted favorably from committee as substituted House Natural Resources</p>
<p>HB 2876</p>	<p>Relating to certificates of public convenience and necessity for water service and sewer service</p>	<p>Landowners would have the ability to remove their property or opt out of any CCN issued by the TCEQ. The landowners that exercised the right to opt out of the CCN would have to compensate the CCN holder for any actual costs incurred to design and construct water and sewer facilities to serve the landowner’s property. The bill also mandates that each CCN applicant which proposes to serve an area within the corporate limits, or ETJ, of a municipality is required to provide documentation of the consent of the municipality to the CCN application or amendment to the CCN. Every landowner within the CCN certificated area would now have to receive notice of the proposed CCN or any amendment to the CCN affecting that landowner’s property. Advanced written consent must be obtained by any municipality that has land located within the CCN applicant is attempting obtain jurisdiction over. CCN permit holders must file a map in the real property records of each county in which service area is located. Finally, a procedure for revocation would be created so that a municipality would have the power to revoke a CCN of a public utility within that municipality should a majority of resident’s petition for such action.</p>	

WATER

<p>SB 3</p>	<p>Relating to the development and management of the water resources of the state</p>	<p>Omnibus water bill, including: (1) the need to ensure the viability of our rivers, streams, bays, and estuaries; (2) promoting land stewardship policy and strategies; (3) water conservation; (4) conjunctive use of surface and groundwater; (5) aquifer storage and recovery; (6) groundwater management area (GMA) based groundwater management to ensure consistent management of groundwater by multiple districts overlying a single GMA; (6) water financing; and (7) the Edwards Aquifer Authority. The five substantive Articles address Environmental Flows; Conjunctive Management Water Policy; Water Financing; Special District Creation; and the Edwards Aquifer Authority. Would mandate the implementation of a statewide water conservation awareness campaign modeled on “Don’t Mess with Texas” anti-litter campaign. Would require licensure from the Texas Water Development Board for all water marketers. Would create a statewide management policy for all groundwater conservation districts (GMAC or groundwater management area council). Sixteen (16) councils in all would create consistency and coordination among each of the groundwater management areas (GMA’s) created since 1997. Would require all GCD’s to limit any historic use to the initial purpose of use proven in the permit application. Amendment establishes a Legislative Oversight Committee on Water Financing which is required to hold public hearings and study the public policy implications of assessing the Water Conservation and Development Fee, comprised of 10 members with 5 members from the Texas Senate and 5 members from the Texas House. The oversight committee must prepare and submit a report on its recommendations and findings to the governor, lieutenant governor, and speaker of the house by August 31, 2006. Would allow providers of potable and nonpotable water for compensation to deposit 25% of the future Water Conservation and Development Fees collected to local contribution accounts to be used for regional projects and other uses.</p>	<p>04-28-05 S Placed on the Senate Intent Calendar</p>
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ZONING AND OTHER CITY LAND USE REGULATION

<i>Bill No.</i>	<i>Caption</i>	<i>Summary</i>	<i>Progress</i>
HB 87	Relating to the authority of a municipality to alter speed limits in an urban district within the municipality	Allows city councils to set lower speed limits (not less than 25 mph) on certain narrow streets (35 feet or less) without parking restrictions.	03-31-05 H Passed on local calendar (Vote: Y:147/N: 0) 04-27-05 S Committee action pending Senate Transportation & Homeland Security
HB 918 SB 583	Relating to the authority of a municipality to establish economic development programs in certain areas	Allows city economic development projects in ETJ and limited purpose annexation areas.	04-06-05 H Passed (Vote: Y:134/N: 1) 04-25-05 S Recommended for Local/Uncontested Calendar
HB 1056	Relating to municipal notice provisions relating to substandard buildings	Allows city to file notice of substandard-building order in real property records--to become "binding on any subsequent grantee, lienholder, or other transferee who acquires an interest in the property after the order is filed."	04-20-05 H Passed (Vote: Y:134/N: 0) 04-22-05 S Referred to Senate Committee on Senate Intergovernmental Relations
HB 1835	Relating to the apportionment of municipal infrastructure costs in regard to certain property development projects	Limits developer's share of infrastructure costs, including dedications and cash, to amount that is roughly proportionate to the proposed development; provides administrative and judicial review.	04-27-05 H Passed (Vote: Y:147/N: 0)
HB 3461 SB 1406	Relating to the manner in which a municipality may impose a moratorium on commercial property development	Restricts moratorium on development of commercial property (like the residential version adopted last session).	04-26-05 H Reported from committee as substituted House Land and Resource Management
SB 574 HB 2748	Relating to requirements for the issuance of land development permits by political subdivisions	Amends "vested rights" or "freeze" law to: (1) allow freezing of regulations on landscaping, tree preservation, open space or park dedication, (2) limit expiration of permits, and (3) waive governmental entity's immunity from suit.	04-14-05 S Passed (Vote: Y: 30/N: 1) 04-27-05 H Passed

ZONING AND OTHER CITY LAND USE REGULATION

SB 848 HB 1704	Relating to the approval of certain permit applications by local governments	See analysis in Construction.	04-27-05 G Signed by the Governor 04-27-05 G Earliest effective date
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