



LEGISLATIVE UPDATE:

**SIGNIFICANT BILLS OF THE 86TH TEXAS LEGISLATURE, REGULAR SESSION,
AFFECTING REAL ESTATE, MORTGAGE LENDING AND OTHER COMMERCIAL MATTERS**

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

JULY 2, 2019

TABLE OF CONTENTS

	<u>PAGE</u>
I. INTRODUCTION	1
II. EFFECTIVE DATES.....	1
III. INTERNET RESOURCES.....	1
IV. ACKNOWLEDGMENTS	2
V. SUMMARIES OF NEW LEGISLATION	3
BUSINESS AND COMMERCE CODE	3
CIVIL PRACTICE AND REMEDIES CODE.....	3
CONSTITUTION	4
ESTATES CODE.....	5
FAMILY CODE	6
FINANCE CODE	6
GOVERNMENT CODE.....	7
INSURANCE CODE.....	15
LOCAL GOVERNMENT CODE	18
NATURAL RESOURCES CODE	22
OCCUPATIONS CODE.....	23
PENAL CODE.....	26
PROPERTY CODE	27
SPECIAL DISTRICTS	32
TAX CODE	32
TRANSPORTATION CODE.....	38
UTILITIES CODE.....	40
WATER CODE	44

I. INTRODUCTION

This 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 86TH Texas Legislature (this “Session”) affecting real estate, mortgage lending, and other business and commercial issues of interest to Texas real estate attorneys.

During this Session, RELACs tracked nearly 1800 bills. From among these bills, 167 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 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, the reader is encouraged 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 captions, nor the bill summaries herein are intended to address all relevant aspects of the bills. 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 bills enacted in regular session without specific effective dates (and without provisions for immediate effect) is ninety-one days after adjournment of the regular session. For this Session that date is Monday, August 26, 2019. 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 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. The reader is advised to review these effective dates because a substantial number of bills included in this report have effective dates prior to August 26, 2019. Also, different portions of a bill may have different effective dates and the summaries in this report do not necessarily indicate all effective dates within a bill.

III. INTERNET RESOURCES

Bills from this Session can be accessed on the official website for the Texas legislature at:

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

Additionally, this report provides hyperlinks from each bill summary to the final, enrolled version of the bill as posted on the Texas Legislature’s website. Simply right-click on the bill number, choose “Open Hyperlink” from the drop-down menu, and the enrolled bill will appear in your web browser.

IV. ACKNOWLEDGMENTS

This report is almost entirely dependent on the volunteer efforts of the members of RELACS, which is comprised of real estate lawyers from across the State. Without these lawyers' collective efforts, this report would not be feasible.

The members of RELACS this Session are:

CHAIR: Richard A. Crow
Schlanger, Silver, Barg & Paine, LLP
Houston

VICE CHAIRS

AND EDITORS: James L. Dougherty, Jr.
Attorney at Law
Houston

Samantha Dyal
Valero Companies
San Antonio

John H. "Jack" Miller, III
Irelan McDaniel, PLLC
Houston

LEGISLATIVE COUNSEL AND

EDITOR: Sarah P. Senterfitt
Attorney at Law
Austin

POLITICAL AFFAIRS

ADVISOR: Mark McPherson
McPherson Law Firm, PC
Dallas

MEMBERS: Claire M Barber
Gregg & Valby, LLP
Houston

Lorin Combs
Winstead PC
Austin

Stephen A. Cooney
Gray Reed & McGraw LLP
Houston

Joseph Goodard
Gray Reed & McGraw LLP
Dallas

Michael A. Jacobs
Attorney at Law
Houston

Thomas M. Misteli
Law Office of Thomas M. Misteli, PC
Houston

Lindsey Jandal Postula
Gray Reed & McGraw LLP
Houston

Cole Robinson
Gray Reed & McGraw LLP
Dallas

Ashlee E. Ross
Real Estate Services, MD
Anderson Cancer Center
Houston

Jack P. Turano, III
Andrews Myers, PC
Houston

Katherine VanWagner
Frye & Benavidez PLLC
Houston

James Wiedemer
Attorney at Law
Houston

Brenda A. Hard-Wilson
Locke Lord LLP
Dallas

V. SUMMARIES OF NEW LEGISLATION

BUSINESS AND COMMERCE CODE

Title 5. Regulation of Businesses and Services

[House Bill 3609](#)

Relating to the filing of an assumed name certificate by certain business entities.

Amends Business & Commerce Code, Section 71.103(a). Repeals Business & Commerce Code, Sections 71.103(b) and (c) and Section 71.104(b).

Author: Martinez Fischer Sponsor:
Hancock

Removes requirement that an assumed name certificate must be filed with the county clerk where the entity maintains a registered or principal office or where its office is located.

Effective Date: September 1, 2019

Title 11. Personal Identity Information

[House Bill 4390](#)

Relating to the privacy of personal identifying information and the creation of the Texas Privacy Protection Advisory Council.

Amends Business & Commerce Code, Section 521.053

Author: Capriglione Sponsor: Nelson

Requires person conducting business who maintains “sensitive personal information” (including name, social security number, date of birth, mother’s maiden name, address, etc.) to notify individuals of any security breach “without unreasonable delay” but not later than the 60th day the person conducting business learns of the breach. Requires disclosure within 60 days after learning of breach to attorney general should any breach involve at least 250 state residents. Provides requirements for notification to the attorney general.

Effective Date: January 1, 2020

CIVIL PRACTICE AND REMEDIES CODE

Title 2. Trial, Judgment, and Appeal

[House Bill 2757](#)

Relating to the rule of decision in a court of this state.

Amends Section 5.001, Civ. Prac. & Rem Code

Author: Leach Sponsor: Taylor

Provides that in any action governed by the laws of this state concerning rights and obligations under the law, the *American Law Institute's Restatements of the Law* are not controlling.

Effective Date: September 1, 2019

[House Bill 36](#)

Relating to expedited proceedings in cases involving dangerously damaged or deteriorated or substandard buildings or improvements in certain municipalities.

Amends Section 51.014 (a), Civ. Prac. & Rem. Code

Author: Ortega Sponsor: Rodriguez

Provides that a person may appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that denies a motion filed by a municipality with a population of 500,000 or more, in an action filed under Section 54.012(6) or 214.0012, Local Government Code (subject matter -- dangerously damaged or deteriorated or substandard buildings or improvements). Affects: Houston, San Antonio, Dallas, Austin, Fort Worth, and El Paso.

Effective Date: Immediately

Title 4. Liability in Tort

[House Bill 1159](#)

Relating to the acknowledgment of a written instrument on behalf of a limited liability company or partnership.

Amends Sections 121.006(b); 121.008(b), Civ. Prac. & Rem. Code

Author: Price Sponsor: Watson

Provides the text for the short form acknowledgements for (1) an authorized agent or officer of a partnership, and (2) a member, manager, authorized officer, or agent acting for a limited liability company.

Effective Date: September 1, 2019

Title 6. Miscellaneous Provisions

Senate Bill 772

Relating to evidence in certain civil actions of a person's failure to forbid handguns on certain property.

Adds Chapter 95A to Civ. Prac. & Rem. Code

Author: Hughes Sponsor: Springer

Adds provision that the fact that a "handgun concealed/open carry" sign [(Sec. 30.06(c)(3) or 30.07(c)(6)] is not posted on the property of the business is not admissible in as evidence in a trial on the merits in an action: against a person, including a business or other entity, who owns, controls, or manages the property in which the cause of action arises from an injury sustained on the property.

Effective Date: September 1, 2019.

CONSTITUTION

House Joint Resolution 4

Proposing a constitutional amendment providing for the creation of the flood infrastructure fund to assist in the financing of drainage, flood mitigation, and flood control projects.

Amends Article III of the Texas Constitution by adding Section 49-d-14

Author: Phelan Sponsor: Creighton

Creates a special fund in the state treasury to assist in financing drainage, flood mitigation, and flood control projects. Clarifies the financial

independence of the Texas Water Development Board. Allows the Texas Water Development Board to establish separate accounts as necessary to administer the fund, or for the use of authorized projects, allowing the Board to appropriate funds where they deem necessary. Encourages the innovation, implementation, and integration of both structural and nonstructural flood projects.

Effective Date: If constitutional amendment approved by voters on November 5, 2019, effective upon certification of the election results by the governor, which typically occurs in late November or early December.

House Joint Resolution 34

Proposing a constitutional amendment authorizing the legislature to provide for a temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.

Amends Article VIII, Section 2 of the Texas Constitution by adding Subsection (e)

Author: Shine Sponsor: Bettencourt

Creates a temporary exemption for taxpayers affected by a disaster if they own property located in a declared disaster area, as determined by the governor. Allows for property owners in disaster areas to qualify for an exemption, in which they are able to reduce the amount of property taxes owed on that particular property. Determines an ad valorem taxation exemption by comparing pre- and post-disaster property values. Authorizes the legislature to determine all details of the temporary exemption, such as amount, duration of the exemption, and other eligibility requirements.

Effective Date: If constitutional amendment approved by voters on November 5, 2019, effective upon certification of the election results by the governor, which typically occurs in late November or early December.

ESTATES CODE

Title 2. Estates of Decedents; Durable Powers of Attorney

[House Bill 2782](#)

Relating to decedents' estates, transfer on death deeds, and matters involving probate courts.

Amends Estates Code, Sections 31.001, 113.252(c), 114.102, 201.003(c), 202.151(b), 256.051(a), 256.052(a), 256.053(b), 256.202, 257.051(a), 301.051, 301.052(a), 309.056, 304.001(a), 351.152(a) and (b), 355.102(b) and (c), 355.103, 355.1551(a) and (b), 356.105(a) and (b), Chapter 356 Subchapters I and J, 356.551, 356.552, 356.553, 356.554 (a), (b), and (c), 356.556, 356.557, 356.558(a), 455.008(a), 455.012; Amends Government Code, Sections 25.002201(b) and 25.00255(a); Adds Estates Code, Sections 202.151 (b) and (c), 254.006, 255.152(d), 255.456, 309.056(e), 351.106, 352.052(c), 401.005 (a-1), 402.003, 455.009, Chapter 111 Subchapter C, and Chapter 257 Subchapter D; Repeals Estates Code, Section 114.002(b) and Subchapter D of Chapter 114; Reenacts and amends Estates Code Section 301.151 as amended by Chapters 576 (HB 3160) and 949 (SB 995), Acts of the 84th Legislature, Regular Session 2015

Author: Wray

Sponsor: Rodriguez

Alters, adds, and/or addresses transfer on death deeds, court jurisdiction and transfer of proceedings for probate matters, the appointment of an independent administrator by will, distribution and sale of a decedent's estate, decedent's digital assets, court jurisdiction and transfer of proceedings, judge disqualification, and recusal, the sale of real estate owned by an estate at public auction, and other procedural requirements for probate proceedings. Voids an otherwise valid transfer on death deed as to a subsequent grantee of an interest in real property conveyed by the transferor during the transferor's lifetime after the transfer on death deed is executed and recorded if: (1) a valid instrument conveying the interest or a memorandum sufficient to give notice of the conveyance of the interest is recorded in the deed records in the county clerk's office of the same county the transfer on death deed is

recorded and (2) the recording of the instrument or memorandum occurs before the transferor's death. Repeals the Subchapter providing an optional form for a transfer on death deed. Eliminates the need for a personal representative to receive court approval in order to convey or enter into a contract to convey a contingent interest in any property sought to be recovered equal to or less than one-third interest in the property in exchange for attorney services. Clarifies that court approval is still necessary prior to an attorney providing services in order for a personal representative to convey any contingent interest in property over one-third and voids any conveyance in violation unless ratified or reformed by the court to the extent necessary to meet the requirements of Section 351.152(b). States that a public sale of real estate of an estate shall be made at public auction. Confirms the location for the public auction as the courthouse door or another place specifically authorized for auction by the commissioner's court of the county under Section 51.002(a), in the county in which the real property is located, or, if located in more than 1 county, in any county that the real property is located. Grants the court at its discretion the authority to order the auction to be held in the county the proceedings are pending if notice is posted in that county and the county the real property is located. Mandates that a public auction shall occur on the 1st Wednesday of the month if the first Tuesday of the month falls on January 1 or July 4.

Effective Date: September 1, 2019

[Senate Bill 874](#)

Relating to forms for creating and revoking a transfer on death deed.

Amends Government Code, Sections 22.020(a) and (b); repeals Estates Code, Section 114.002(b) and Subchapter D, Chapter 114

Author: Huffman

Sponsor: Farrar

Removes the statutory forms for creating and revoking a transfer on death deed from the Estates Code. Directs the Texas Supreme Court to promulgate forms for creating and

revoking a transfer on death deed. Provides that the repeal of Subchapter D, Chapter 114 does not affect the validity of or transfer on death deed or a cancellation of a transfer on death deed executed before, on, or after the effective date of the Act.

Effective Date: September 1, 2019

FAMILY CODE

Title 1. The Marriage Relationship

[House Bill 559](#)

Relating to written agreements incident to divorce or annulment.

Amends Family Code §7.006(b)

Author: Thompson Sponsor: Huffman

Provides that a written agreement incident to a divorce or annulment may be either set forth in full in the decree, or incorporated by reference. Applies to agreements incorporated by reference in a final divorce or annulment decree, regardless of whether the decree is signed before, on, or after the effective date of this Act.

Effective Date: Immediate

FINANCE CODE

Title 2. Financial Regulatory Agencies

[Senate Bill 614](#)

Relating to the continuation and functions of the Finance Commission of Texas, the Texas Department of Banking, and the Department of Savings and Mortgage Lending, to the training requirements applicable to the agencies overseen by the Finance Commission of Texas, and to the regulation of certain financial institutions and businesses.

Amends various sections of Finance Code Chapters 11, 12, 13, 31, 32, 35, 154, 157, 181, 182, 185, 187, 201, 204, 396, 711, and 712; repeals various section of Finance Code, Chapters 13, 31, 181, 396 and 711.

Author: Nichols Sponsor: Lambert

Extends sunset dates of the Finance Commission of Texas, Texas Department of Banking and Department of Savings and Mortgage Lending from September 2019 until September 2031. Requires each commissioner of Finance Commission, Texas Department of Banking and Department of Savings and Mortgage Lending to create a training manual related to each agency and requires each member of the finance commission to sign acknowledging his/her receipt and review of the manual. Requires Texas Department of Banking and Department of Savings and Mortgage Lending to “maintain a system to promptly and efficiently act on complaints” filed with the department and communicate the status of the complaint. Requires Texas Department of Banking and Department of Savings and Mortgage Lending to develop a policy encouraging alternative dispute resolution. Allows these departments to create advisory committees as needed. Amends other provisions regarding, among other things, prepaid funeral services and child support enforcement.

Effective Date: September 1, 2019

Title 3. Financial Institutions and Businesses

[Senate Bill 2330](#)

Relating to the temporary authority of certain individuals to engage in business as a residential mortgage loan originator.

Amends Finance Code Sections 157.012 and 180.003; adds Finance Code Section 180.0511 amends Finance Code Sections 342.0515(b), 347.4515(b), 348.5015(b), 351.0515(b).

Author: Creighton Sponsor: Parker

Allows a registered mortgage loan originator without a license to act for no more than 120 days in this capacity provided they are employed by an entity licensed in Texas for residential mortgage loan origination provided the person acting under temporary authority has not previously had an application for a loan originator license in Texas denied, had their license suspended or revoked in another

jurisdiction, have applied for a residential mortgage loan originator license, and meet other eligibility requirements. Allows a person licensed in another state as a residential mortgage loan originator temporary authority to act as a residential mortgage loan originator in Texas for no more than 120 days provided they are employed by an entity licensed to originate residential mortgage loans in Texas, meet other eligibility requirements, and have applied for a residential mortgage loan originator license. several stipulations for this temporary authority.

Effective Date: November 24, 2019

GOVERNMENT CODE

Title 2. Judicial Branch

Senate Bill 1189

Relating to certain deceptive advertising of legal services.

Adds Government Code, Chapter 81, Sections 81.151 – 81.156 (Subchapter J)

Author: Buckingham Sponsor: Capriglione

Establishes various restrictions and requirements related to television advertisements of legal services, including (1) requiring disclosure that they are paid advertisements for legal services, (2) requiring identification of the law firm responsible for providing services or the manner of referring cases if the advertiser is “not legally authorized to provide legal services,” (3) prohibiting use of the term “recall” when there is no product recall, (4) preventing characterizing the advertisement as a “health alert,” “consumer alert,” “drug alert,” “public service announcement,” or similar notification, and (5) prohibiting certain misleading use of government agency logos. Sets guidelines for visual or audible disclosure of the required information. Provides that a violation is a deceptive trade practices act that may be enforced by an attorney general or a district attorney or county attorney, but clarifies that no private cause of action is created.

Effective Date: September 1, 2019

Senate Bill 2342

Relating to the jurisdiction of, and practices and procedures in civil cases before, justice courts, county courts, statutory county courts, and district courts

*Amends Sections 25.0003(c), 26.042(a), and 27.031(a) Gov't Code
Adds Section 25.0007(c)*

Author: Creighton
Leach

Sponsor:

Amended Section 25.0003(c) increases the jurisdictional limit from \$200,000 to \$250,000 in for statutory county courts (excluding interest, statutory or punitive damages and penalties, and attorney's fees and costs). Added Section 25.0007(c) provides that in a civil case pending in a statutory county court in which the matter in controversy exceeds \$250,000, the jury shall be composed of 12 members unless all of the parties agree to a lesser number of jurors. Amended Sections 26.042(a) and 27.031(a) increases the concurrent jurisdiction of county courts and justice courts in to \$20,000 from \$10,000, exclusive of interest.

Effective Date: September 1, 2020 (for causes of action filed on or after that date)

Senate Bill 658

Relating to making permanent the former temporary increases in records archive fees and records management and preservation fees charged by district and county clerks.

Amends Government Code, Section 51.305(b)

Author: Zaffirini

Sponsor: Clardy

Permanently raises maximum level of “records archive fees” and “records management and preservation fees” charged by district and county clerks, from \$5.00 to \$10.00.

Effective Date: September 1, 2019

Title 5. Open Government; Ethics

Senate Bill 1640

Relating to the open meetings law.

Amends Section 551.001(2) and 551.143, Government Code

Author: Watson Sponsor: Phelan

Amends the definition of “deliberation” to include a written exchange. Revises conduct constituting the offense of conspiring to circumvent state open meetings law to include knowingly engaging in at least one (1) communication among a series of communications that each occur outside of an authorized open meeting in which individual communications constitute fewer than a quorum of members and that member knew at the time involved or would involve a quorum and would constitute a deliberation once a quorum engaged in the series of communications.

Effective Date: Immediate

Senate Bill 494

Relating to certain procedures applicable to meetings under the open meetings law and the disclosure of public information under the public information law in the event of an emergency, urgent public necessity, or catastrophic event.

Amends Subsections (a), (b), and (e), and adds Subsection (a-1) to Section 551.045, Government Code; Amends Sections 551.047(c) and Section 551.142, Government Code; adds Section 552.233, Government Code

Author: Huffman Sponsor: Walle

Requires governmental body give at least one (1) hour notice requirement to deliberate or take action on an emergency or urgent public necessity. A supplemental notice of at least one (1) hour to deliberate or take action on an emergency or urgent public necessity may be added to an already posted notice. Deliberation or action may only be taken on the emergency item that is the subject of the notice or on an agenda item or emergency item of an already posted notice that includes a supplemental notice. Adds specific instances of what

constitutes an emergency or urgent public necessity. Includes the attorney general as having authority to bring an action to stop, prevent, or reverse a violation or threatened violation by a governmental body in posting of a notice of an emergency meeting. Adds definition of “catastrophe”. Adds ability for governmental body to suspend applicability of public information laws during a catastrophe and manner in which to invoke suspension. Requires attorney general to prescribe the form of notice for a governmental body to submit to invoke suspension.

Effective Date: September 1, 2019

House Bill 2840

Relating to the right of a member of the public to address the governing body of a political subdivision at an open meeting of the body.

Adds Section 551.007 to Subchapter A, Chapter 551 of the Government Code

Author: Canales Sponsor: Hughes

Requires a governmental body to allow any member of the public to address the governmental body regarding an agenda item at an open meeting either before or during the governmental body’s consideration of the item. Allows the governmental body to adopt reasonable rules regarding the public’s right to address the governmental body, including rules that limit the amount of time that a member of the public may address the governmental body. Forbids governmental body from prohibiting public criticism of the governmental body.

Effective Date: September 1, 2019

Senate Bill 944

Relating to the public information law.

Adds Subsection (d) to Section 552.002, Government Code; Adds Subdivision (7) to Section 552.003, Government Code; Amends Section 552.004, Government Code; Adds Section 552.159, Government Code; amends Section 552.203, Government Code; adds Sections 552.233, 552.234, and 552.235, Government Code; repeals Section 552.301(c), Government Code

Author: Watson Sponsor: Capriglione

Introduces a “temporary custodian” concept to the public information law and requires the Attorney General to create a public information request form. Defines “temporary custodian” as an employee of a governmental body who creates or receives public information and has not provided such information to the officer for public information of the governmental body. Requires a current or former officer or employee of a governmental body who maintains public information on a privately owned device to (i) transfer the public information to the governmental body or a governmental body server or (ii) preserve the public information for the same amount of time required by the governmental body to preserve public information. The provisions of law governing the preservation, destruction, or other disposition of public information apply to public information held by a temporary custodian. Adds duties for officers of public information to obtain public information from temporary custodians. Adds that public employees do not have a personal property right in public information they created or received. Provides a ten (10) day period by which a temporary custodian must surrender public information to governmental body upon request. Provides that the attorney general shall create a public information request form under Section 552.235(a), Government Code, as added by this Act no later than October 1, 2019.

Effective Date: September 1, 2019

House Bill 3175

Relating to the confidentiality of certain personal information of an applicant for disaster recovery funds.

Adds Section 552.160 to Subchapter C, Chapter 552 of the Government Code

Author: Deshotel Sponsor: Creighton

Provides the following information of an applicant, whether an individual or a business, for state or federal disaster recovery funds is confidential: name, social security number, house number, street name, telephone number,

business name, business tax identification number, business address, business telephone number, or any other information the disclosure of which would identify a person or household. The street name and census block group of and the amount of disaster recover funds awarded to a person or household are not confidential after the funds are awarded.

Effective Date: September 1, 2019

Senate Bill 988

Relating to the assessment of litigation costs and attorney’s fees in certain actions under the public information law.

Amends Section 552.323(b), Government Code

Author: Watson Sponsor: Capriglione

Limits the authority of a court, in an action by a governmental body seeking to withhold public information from a requestor, to assess costs and attorney’s fees to a case in which the court finds the action or defense of the action was groundless in fact or law.

Effective Date: September 1, 2019

Title 4. Executive Branch

House Bill 5

Relating to debris management and other disaster recovery efforts.

Adds Government Code, Chapter 418, Sections 418.054, 418.055, 418.056, and 418.057

Author: Phelan Sponsor: Kolkhorst

Requires the Texas Division of Emergency Management to establish a catastrophic debris management plan and model guide, which shall include information on preparation and disposal of debris before and after a catastrophic event. Requires the Texas A&M Engineering Extension Service to create a training program for the benefit of state agencies and political subdivisions on the use of trench burners for debris removal. Also requires the division, in conjunction with FEMA, to publish a model contract for debris removal. Requires the formation of a “wet

debris study group” to investigate best practices for removal of wet debris.

Effective Date: September 1, 2019

House Bill 6

Relating to disaster relief and recovery.

Amends various provisions of Government Code, Chapter 418; adds Natural Resources Code, Chapter 33, Section 33.604 Subsection (b-1); adds Tax Code, Chapter 156, Section 156.252

Author: Morrison Sponsor: Kolkhorst

Requires an emergency management coordinator designated by an emergency management director of a county with a population of at least 500,000 to complete emergency management training by March 1, 2020. Provides that the Texas Division of Emergency Management must create a disaster recovery task force. Requires the disaster recovery task force to provide assistance to communities and individuals regarding financial issues, federal assistance programs and recovery after a disaster, to issue a report listing all projects affected by a disaster that qualify for federal assistance, and submit this report to the appropriate federal agencies. Requires the disaster recovery task force to brief the members of the legislature, their staff and state agency personnel on their efforts on a quarterly basis. Provides that each county, which is required to have an emergency management coordinator as described above, must have a catastrophic debris management plan. Permits funds collected from taxes imposed on hotels in certain counties to be allocated to the coastal erosion response account, commencing September 1, 2021 and ending September 1, 2031.

Effective Date: September 1, 2019

House Bill 7

Relating to disaster preparation for state agencies and political subdivisions.

Adds Government Code, Chapter 418, Section 418.155; adds Government Code, Chapter 418, Section 418.054

Author: Morrison Sponsor: Huffman

Requires the Governor to maintain a list of statutes and rules that may be suspended during a disaster, subject to review by state agencies that would be affected by the suspension of such rules. Provides that the Texas Division of Emergency Management will be responsible for developing a plan to assist counties or incorporated cities with executing contracts for services likely necessary after a disaster.

Effective Date: September 1, 2019

House Bill 1307

Relating to the creation of a disaster case management system by the Texas Division of Emergency Management.

Adds Government Code, Chapter 418, Section 418.054

Author: Hinojosa Sponsor: Huffman

Requires the Texas Division of Emergency Management to contract with a vendor to create and administer an electronic disaster case management system.

Effective Date: September 1, 2019

House Bill 2325

Relating to providing information and communication regarding and during a disaster.

Adds Government Code, Chapter 418, Sections 418.054, 418.055, 418.056, 418.057, 418.058, and 418.059

Author: Metcalf Sponsor: Hancock

Requires the Texas Division of Emergency Management, together with the Texas A&M AgriLife Extension Service, state agencies and private entities, to utilize text messaging, apps and social media as a means of communication during and after a disaster. The division must also survey the use of communication standards by first responders and submit a report of its findings to the governor, lieutenant governor and state legislature.

Effective Date: September 1, 2019

Senate Bill 6

Relating to emergency and disaster management, response, and recovery.

Adds Government Code, Chapter 418, Subsection (c-1); adds Government Code, Chapter 418, Section 418.054, Section 418.055, Section 418.056 and Section 418.057; adds Government Code, Chapter 418, Subchapter C-1

Author: Kolkhorst Sponsor: Morrison

Requires the Texas Division of Emergency Management to develop a comprehensive guide relating to disaster response. Authorizes the division to create a disaster response training course in conjunction with the Texas A&M AgriLife Extension Service and the A&M Engineering Extension Service. Requires the division to establish a catastrophic debris management plan with assistance from the A&M Engineering Extension Service and the Texas Commission on Environmental Quality. Creates an Emergency Management Work Group to prepare a proposal for improving the training and qualifications for emergency management directors, coordinators and other emergency management personnel. The group must submit its proposal to the Governor, lieutenant governor, the speaker of the house of representatives and members of the legislature by November 1, 2020. The work group will be terminated and the provisions creating and governing the work group will terminate on January 1, 2021. Requires the division to create a program to provide short term loans for disaster recovery to be made available to qualifying political subdivisions.

Effective Date: September 1, 2019

Senate Bill 285

Relating to information, outreach, and other actions regarding hurricane preparedness and mitigation.

Adds Government Code, Chapter 418, Section 418.127, 418.128 and 418.129

Author: Miles Sponsor: Thompson

Requires that prior to the hurricane season, the governor shall issue a proclamation instructing (i) individuals to prepare for the upcoming hurricane season, (ii) state agencies to review and update hurricane preparedness plans and (iii) certain state agencies, counties and municipalities to conduct community outreach and education activities on hurricane preparedness between May 25 and May 31 of each year. Within 30 days after the governor issues such proclamation, the governor and certain state agencies will publish a report on the governor's website as to the hurricane preparedness of each agency. In addition, the General Land Office must conduct a public information campaign each year to provide the public and officials with information regarding housing assistance in the event of a major hurricane or related flooding.

Effective Date: September 1, 2019

Senate Bill 289

Relating to disaster recovery.

Adds Government Code, Chapter 418, Section 4180.054; adds Government Code, Chapter 418, Subchapter F-1

Author: Lucio Sponsor: Morrison

Requires the Texas Division of Emergency Management to create a disaster recovery task force to provide assistance to communities and individuals regarding financial issues, federal assistance programs and recovery after a disaster. The disaster recovery task force will issue a report listing all projects affected by a disaster that qualify for federal assistance and shall submit this report to the appropriate federal agencies. Obligates the disaster recovery task force to brief the members of the legislature, their staff, and state agency personnel on their efforts on a quarterly basis. Provides that the General Land Office will receive and administer federal and state funds allocated for long-term disaster recovery and will collaborate with the Texas Division of Emergency Management and FEMA in administering housing recovery plans adopted by local governments. Creates the Hazard Reduction and Recovery Center at Texas

A&M University, which is responsible for reviewing and certifying housing recovery plans proposed by local governments. Maintains that plans certified by the Hazard Reduction and Recovery Center at Texas A&M University shall be submitted to the General Land Office for final review and approval and that any housing recovery plans will be valid for a period of four years. Requires the General Land Office and the Hazard Reduction and Recovery Center at Texas A&M University to submit a written report to the legislature no later than January 1, 2021 summarizing the success of the planning process and recommending any statutory or legislative changes.

Effective Date: September 1, 2019

Senate Bill 416

Relating to legal counsel provided by the attorney general to a political subdivision subject to a declared state of disaster.

Adds Government Code, Chapter 418, Section 418.193

Author: Huffman Sponsor: Walle

Provides that during a declared state of disaster pursuant to Section 418.014 of the Government Code and for 90 days thereafter, the attorney general may provide legal counsel to an affected political subdivision as to disaster preparedness, response and recovery.

Effective Date: Immediate

Senate Bill 799

Relating to emergency management and disaster recovery.

Amends Education Code, Chapter 61, Section 61.003(b); amends Education Code, Chapter 88, Section 88.001; amends Government Code, Chapter 418, Section 418.013(b); amends Government Code, Chapter 418, Section 418.041; amends Government Code, Chapter 418, Section 418.050(c); amends Government Code, Chapter 418, Section 418.051(c); adds Government Code, Chapter 418, Section 418.054, Section 418.055, and Section 418.056

Author: Alvarado Sponsor: Murphy

Includes the Texas Division of Emergency Management within the definition of "Other agency of higher education". Indicates that the Texas Division of Emergency Management is a part of the Texas A&M University System and is managed by a chief appointed by the governor. Requires the governor to review the make-up of the emergency management counsel every two years and determine whether the council should be updated or expanded. Creates a business advisory council to provide expertise to state and local governments recovering from disasters, including advising the Texas Division of Emergency Management with respect to (1) programs to help businesses recovering from disasters, (2) use of state resources to assist businesses affected by a catastrophic loss of power, and (3) solutions to address problems in the state or local governmental disaster response relating to the impact on businesses and the economy. Provides for twelve members of the council who serve staggered four-year terms, four of whom are appointed by the governor, four of who by the lieutenant governor and four of who by the house of representatives. States that advisory council will be responsible for submitting an annual report regarding its activities to the governor, lieutenant governor and speaker of the house of representatives. Exempts the advisory council from the provisions of Section 2110 of the Government Code. Provides that the chief of the Texas Division of Emergency Management will serve as chair of the newly created wet debris work group which will conduct a study to identify wet debris removal categories for bodies of water, existing jurisdictions of governmental and private entities responsible for the removal of wet debris, funding sources for removal of wet debris and issues that impede wet debris, and shall provide recommendations for the removal of wet debris. The wet debris work group will be responsible for submitting an annual report of its findings to each member of the house of representatives. The wet debris work group shall disband and Section 418.055 shall expire on January 1, 2021. Authorizes the Texas Division of Emergency Management to create a disaster recovery task to provide assistance to communities and individuals regarding financial issues, federal assistance programs

and recovery after a disaster. Obligates the disaster recovery task force to brief the members of the legislature, their staff and state agency personnel on their efforts on a quarterly basis. Provides that as of September 1, 2019, the administration of the Texas Division of Emergency Management will be transferred from the Department of Public Safety to The Texas A&M University System.

Effective Date: September 1, 2019

Title 10. General Government

House Bill 1896

Relating to the applicability of the requirements relating to the adoption of a new state agency rule by the Parks and Wildlife Department.

Amends Government Code, Section 2001.0045(c)

Author: Phelan Sponsor: Flores

Exempts Parks and Wildlife Department from general prohibition of agency rulemakings that impose costs on regulated persons, such as another state agency, a special district or a local government, unless: the agency (i) repeals a rule that imposes a greater cost to the regulated persons than the total cost imposed by the proposed rule; or (ii) amends a rule to decrease the total cost imposed on regulated persons.

Effective Date: September 1, 2019

Senate Bill 241

Relating to certain required reports received or prepared by state agencies and other governmental entities.

Amends or repeals numerous sections of Education Code, Government Code, Health and Safety Code, Human Resources Code, Labor Code, Natural Resources Code, Transportation Code, Utilities Code and Water Code.

Author: Nelson Sponsor: Longoria

Eliminates or modifies numerous intra-government reports, plans, filings, etc. Adds contents and criteria for the Texas Facilities Commission's "master facilities plan" for state

building space required by Government Code, Section 2166.102. Contains other provisions.

Effective Date: September 1, 2019

House Bill 402

Relating to the adoption of the Uniform Electronic Legal Material Act.

Adds Government Code, Sections 2051.151 – 2051.161 (Subchapter E)

Author: Thompson Sponsor: Zaffirini

Adopts the Uniform Electronic Legal Material Act, which is a uniform statute adopted in at least nineteen other states and the District of Columbia. Requires an official publisher of legal material to authenticate and designate certain electronic records as official and to provide for the preservation and security of the official electronic records. Applies to legal material first published electronically on or after January 1, 2021. Defines "legal material" as the Texas Constitution, general or special laws, and state agency rules adopted under the Administrative Procedure Act. Provides that authenticated electronic records are presumed to be accurate and that a party contesting the validity of such records has the burden of proof by a preponderance of the evidence. Defines the official publisher as the Texas Legislative Council if the legal material is the Texas Constitution; for other legal material, the official publisher is the Texas Secretary of State. Describes the obligation to preserve and secure the records, including providing for backup and disaster recovery of the records and ensuring that the records will be available to the general public "on a permanent basis." Establishes criteria that must be considered in implementing the statute, including practices of other jurisdictions and applicable methods and technologies. Charges two different groups to develop implementation plans for portions of the statute by September 1, 2020. Describes the effect of the statute on the provisions of the federal Electronic Signatures in Global and National Commerce Act.

Effective Date: September 1, 2019

[House Bill 1999](#)

Relating to certain construction liability claims concerning public buildings and public works.

Adds Chapter 2272 to the Government Code

Author: Leach Sponsor: Creighton

Sets forth necessary definitions applicable to this new chapter relating to claims arising out of an alleged construction defect to real property of a public building or public work. Establishes the procedure in which a governmental entity must provide the party with whom it is contracting with a written report identifying alleged defects with such party's work, which report must describe the present condition of the structure and any modification, maintenance, or repairs made by the governmental entity or others. Requires the contractor to distribute a copy of the report to each subcontractor whose work is subject to the claim not later than the fifth day after the contractor has received the report. Provides contractors with an opportunity to cure defective work before a governmental entity may bring suit against them. Encourages the amicable working relationship between the private and public sector by allowing for an opportunity to inspect and correct prior to proceeding with legal action. Establishes a period of 30 days after sending the report for inspection, and 120 days after inspection to correct the alleged defect. Sets forth exceptions when the governmental entity can exclude a party from making a correction or repair. Describes when the governmental entity can recover costs of its report of damage.

Effective Date: Immediate

[House Bill 1973](#)

Relating to the system by which an application for a low income housing tax credit is scored.

Adds Government Code, Section 2306.6710(g)

Author: Button Sponsor: Nelson

Creates a reallocation system for points regarding applications submitted for low income housing tax credits where no written statement is received. Establishes the use of existing subsections in allocating points for the

application. Sets forth that if no written statement regarding the level of community support is received for an application, the maximum number of points that could have been awarded will be deemed to have been awarded for that application. Creates a presumption that applications received for low income areas will be well-received in the community, regardless of the lack of vocalized support. Implements a similar scoring category as seen in existing subsection (f): awarding positive points for positive resolutions adopted, negative points for negative resolutions adopted, and zero points for neutral resolutions adopted. Promotes a more even distribution of points for each individual application and creates a more even playing field for determining where the proposed development is to be located when the community has failed to provide input.

Effective Date: September 1, 2019

[House Bill 2439](#)

Relating to certain regulations adopted by government entities for the building products, materials, or methods used in the construction of residential or commercial structures.

Adds Government Code Subtitle Z, Chapter 3000

Author: Phelan Sponsor: Buckingham

Prohibits "governmental entities" from adopting building codes that (1) restrict use of certain building products or materials if such materials are approved in certain national model codes or (2) that require a standard for building products, materials, or construction methods that are "more stringent" than those required in certain national model codes. Defines "governmental entity" by reference to broad definition featured in Government Code Section 2007.002. Excludes certain categories of building standards such as "dark sky" building requirements in certain areas and regulations for structures designated under certain historic preservation standards. Allows the attorney general to seek injunctive relief against an entity for violation of the chapter.

Effective Date: September 1, 2019

INSURANCE CODE

Title 5. Protection of Consumer Interests

SB 590

Relating to the cancellation and nonrenewal of certain liability and commercial property insurance policies.

Amends Insurance Code, Sections 551.051, 551.052, 551.053, and 551.054(a); adds Insurance Code Section, 551.056

Author: Watson Sponsor: Lucio III

Extends restrictions against nonrenewal or cancellation of liability insurance policies to commercial property insurance policies. Allows insurers to make changes to liability or commercial property insurance policies and be in compliance with statute provided the insurer provides the insured with written notice of any material change in each form of the policy immediately before renewal.

Effective Date: September 1, 2019

HB 2102

Relating to the payment of insurance deductibles related to property insurance policies.

Adds Insurance Code, Chapter 707; amends Business & Commerce Code, Section 27.02

Author: Capriglione Sponsor: Zaffirini

Requires a person insured under a property insurance policy to pay any deductible applicable to a first-party claim made under the policy. Provides that the Texas Department of Insurance shall develop and implement an education program related to the payment of property insurance deductibles. Allows an insurer that issues a replacement cost coverage policy to refuse to pay the depreciation holdback unless provided with "reasonable proof of payment" of any deductible. Requires contracts for goods and services in excess of \$1,000 that are reasonably expected to be paid from proceeds of a property insurance policy claim to have a required disclosure regarding violation of Texas law for allowing or assisting an insured person in the nonpayment of property tax

deductibles. Establishes criminal penalties for persons who assist an insured person in the nonpayment of a required insurance deductible.

Effective Date: September 1, 2019

Title 10. Property and Casualty Insurance

SB 442

Relating to a disclosure regarding flood coverage under a residential property insurance policy.

Adds Insurance Code, Section 2002.103

Author: Hancock Sponsor: Perez

Requires insurers that issue or renew commercial or residential property insurance policies that do not provide flood insurance coverage to provide a conspicuous statement with such policy informing the insured party of the lack of flood coverage and providing instructions for how to obtain such insurance. Applies to insurance policies delivered, issued for delivery, or renewed on or after January 1, 2020.

Effective Date: September 1, 2019

SB 615

Relating to the operations and functions of the Texas Windstorm Insurance Association and the sunset review date for and programs administered by the association; authorizing a fee.

Amends Insurance Code, Chapter 2210, various sections, repeals Insurance Code Section 2210.107(b)

Author: Buckingham Sponsor: Paddie

Extends the sunset date for Texas Windstorm Insurance Association until 2031. Provides for training programs for Texas Windstorm Insurance Association board members. Requires disclosures of conflicts of interests by board members. Requires creation of a process for automatic renewal of policies. Requires the Texas Windstorm Insurance Association to accept credit cards and to charge fees not in

excess of the cost of recovery. Requires the Texas Windstorm Insurance Association to allow policyholders to pay premiums in installment payments. Requires certain disclosures and notifications to claimholders on policies. Requires the Texas Windstorm Insurance Association to publicly disclose its rate adequacy analysis at least 14 days before the board votes on such rate analysis.

Effective Date: September 1, 2019

HB 1900

Relating to replacement cost coverage in policies issued by the Texas Windstorm Insurance Association.

Amends Insurance Code Chapter 2210, various Sections; adds Insurance Code, Sections 2210.3511 and 2210.5741; repeals Section 2210.2515

Author: Bonnen Sponsor: Taylor

Provides that if the total amount of insurance under a Texas Windstorm Insurance Association policy is at least 80% of the full replacement cost for repairing such dwelling on the effective date of such policy (as opposed to the time of loss), or if the amount of insurance is equal to the maximum amount of coverage allowed by the Texas Windstorm Insurance Association on the effective date of such policy, then coverage shall be extended to include the full cost of repair and replacement for such dwelling. Prohibits liability for loss from exceeding the replacement cost of the portion of a dwelling that is damaged in the event that the total amount of insurance does not exceed 80% of the full replacement cost for repairing the dwelling or the maximum amount of insurance allowed by the Texas Windstorm Insurance Association on the effective date of such policy. Enables a claimant seeking replacement cost coverage under a Texas Windstorm Insurance Association policy claim to submit required documentation within 545 days after notice from Texas Windstorm Insurance Association policy that coverage has been provided. Amends and extends various deadlines relating to claims

under Texas Windstorm Insurance Association policies.

Effective Date: Immediate

House Bill 1902

Relating to maximum liability limits for windstorm and hail insurance coverage provided through the Texas Windstorm Insurance Association.

Amends Insurance Code, Sections 2210.501(a) and 2210.504(a)

Author: Bonnen Sponsor: Taylor

Modifies the procedure to change maximum liability limits for wind and hail insurance provided by the Texas Windstorm Insurance Association.

Effective Date: September 1, 2019

HB 1944

Relating to extension of deadlines for claims and related settlement and dispute resolution under the Texas Windstorm Insurance Association Act.

Amends Insurance Code, Section 2210.581; adds Insurance Code Subsection 2210.581(d)

Author: Lucio III Sponsor: Hancock

Provides that all extensions for deadlines applicable to the Texas Windstorm Insurance Association relating to claims from a particular storm, rather than a catastrophe year, shall not exceed 120 days. Does not affect the extension of a deadline available to a claimant or to both the association and a claimant.

Effective Date: September 1, 2019

House Bill 1554

Relating to the language of personal automobile or residential property insurance policy documents and related materials.

Amends Insurance Code, Chapter 2301, Subchapter B, adds Section 2301.058

Author: Smithee Sponsor: Zaffirini

Allows insurers to provide automobile or residential insurance policies and endorsements and related advertising materials in a language other than English. Provides that such documents must state that, in the event of conflict with the English version of the policy or any dispute or complaint regarding the policy, the English version controls.

Effective Date: Immediate

House Bill 1555

Relating to the status of personal automobile or residential property insurance policy summary documents.

Amends Insurance Code, Chapter 2301, Subchapter B, adds Insurance Code, Section 2301.057

Author: Smithee Sponsor: Zaffirini

Provides that summaries or advertisements of personal automobile or residential property insurance policies or endorsements are not part of any such policy or endorsement, and that any such summary cannot modify the provisions of the policy or endorsement for which it was provided. Further provides that such summaries are not admissible as evidence of insurance coverage.

Effective Date: September 1, 2019

Title 11. Title Insurance

House Bill 1614

Relating to the operation of the Texas Title Insurance Guaranty Association.

Amends Insurance Code, Chapter, 2602 various Sections; repeals Insurance Code Section 2602.103

Author: Oliverson Sponsor: Creighton

Provides various technical updates and revisions to Chapter 2602 of the Insurance Code, which governs the Texas Title Insurance Guaranty Association. Permits the Texas Title Insurance Guaranty Association to take control of and make payments out of escrow accounts for

impaired title agents under receivership. Creates mechanism by which a person making a claim with the Texas Title Insurance Guaranty Association may appeal such claim, and, if such claim is denied, permits a person to bring a declaratory judgment action within one year of claim denial.

Effective Date: September 1, 2019

HB 3228

Relating to title insurance rates and other matters relating to regulating the business of title insurance.

Amends Insurance Code, Section 2703.202 amends Insurance Code, Section 2703.203 and 2703.204

Author: Munoz Sponsor: Hancock

Authorizes any “interested person” to submit in writing a request to the commissioner of insurance to hold a public hearing to consider changing a premium rate or fixing a new premium rate. Defines an “interested person” as any resident of the state, an entity doing business in the state political subdivision of the state, or a public or private organization other than a state agency.

Effective Date: September 1, 2019

Title 13. Regulation of Professionals

HB 2103

Relating to a prohibition on contractors acting as public insurance adjusters in certain circumstances.

Amends Insurance Code, Section 4102.163(a)

Author: Capriglione Sponsor: Zaffirini

Prohibits any contractor from acting as a public adjuster or advertising that the contractor adjusts claims for any property in which the contractor is providing or may provide services, regardless of whether the contractor is a licensed adjuster or is authorized to act for an insured under power of attorney or any other agreement.

Effective Date: September 1, 2019

LOCAL GOVERNMENT CODE

Title 2. Organization of Municipal Government

Senate Bill 1303

Relating to maps of the actual or proposed boundaries and extraterritorial jurisdiction of a municipality and certain notices related to expanding the boundaries.

Amends Local Government Code, Section 41.001, 43.052, 43.0561 and 43.063. Adds Local Government Code, Section 43.0365

Author: Bettencourt Sponsor: Bell

Requires municipalities to make maps of their boundaries and extraterritorial jurisdiction more available, without cost. Requires some digital maps. Increases notice requirements for certain annexations that enlarge extraterritorial jurisdiction. Attempts to amend some sections repealed by House Bill 347.

Effective Date: September 1, 2019

House Bill 347

Relating to consent annexation requirements.

Amends or repeals Local Government Code, Chapter 43, various sections. Repeals Special Districts Local Laws Code, Sections 8374.252(a), 8375.252(a), 8376.252(a), 8377.252(a), 8378.252(a), 8382.252(a), 8383.252(a), 8384.252(a), 8385.252(a) and 8477.302(a).

Author: King Sponsor: Birdwell

Eliminates most remaining unilateral municipal annexations. Requires consent to annexation by owners, voters or both (by request, petition or election), except for annexations of special areas, *e.g.*, enclaves, industrial districts, navigable streams, strategic partnership areas, certain municipal properties. Re-works Chapter 43 to eliminate two-tier rules, multi-year annexation plans, inventories of services, some

negotiations, and arbitration; keeps other restrictions. Preserves “strategic partnership agreements” between municipalities and special districts but eliminates mandatory negotiation and arbitration clauses. Repeals special annexation rules in Newton County area. Includes transition clauses for certain annexations in progress or in litigation.

Effective Date: Immediate

Senate Bill 1024

Relating to access to services in an area annexed by certain tier 1 municipalities under a service plan.

Adds Local Government Code, Section 43.0565

Author: Perry Sponsor: Craddick

Requires municipalities with populations of 350,000 or less to “provide access to services provided to an annexed area . . . that is identical or substantially similar to access to those services in the municipality.” Includes tough enforcement provisions.

Effective Date: September 1, 2019

House Bill 4257

Relating to retaliation for municipal annexation disapproval.

Amends Local Government Code, Sections 43.0688 and 43.0699

Author: Craddick Sponsor: Campbell

Strengthens requirement that a municipality continue providing water, wastewater and other “governmental services” in an area that disapproves a proposed annexation. Restricts certain increases in wholesale water rates for such an area.

Effective Date: Immediate

Senate Bill 1468

Relating to annexation by certain municipalities of a special district under a strategic partnership agreement.

Amends Local Government Code, Section 43.0751(s). Adds Local Government Code, Section 43.083

Author: Campbell Sponsor: Goodwin

Forbids certain municipalities from annexing a municipal utility district under a strategic partnership agreement, unless the municipality also annexes “all of the unincorporated area served by the district that is located in the municipality's extraterritorial jurisdiction.” Contains other provisions.

Effective Date: Immediate

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

House Bill 2497

Relating to rules of and appeals to a municipal board of adjustment.

Amends Local Government Code, Sections 211.008 and 211.010

Author: Cyrier Sponsor: Hughes

Tightens appeals to zoning boards of adjustment. For administrative decisions “related to a specific application, address, or project,” allows only the following to appeal to the board: (i) applicant, (ii) owner of the property “that is the subject to the decision,” or its representative, (iii) owners of property within 200 feet “aggrieved by the decision,” or (iv) municipal officers or bodies “affected by the decision.” Sets a hard deadline for filing appeals (“20th day after the date the decision is made”) and requires board to decide each appeal promptly (“at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed”). Requires approval of a board’s rules by the governing body.

Effective Date: September 1, 2019

House Bill 2496

Relating to the designation of a property as a historic landmark by a municipality.

Adds Local Government Code, Section 211.0165

Author: Cyrier Sponsor: Buckingham

Restricts designation of historic landmarks under municipal zoning ordinances. Requires either owner consent or approvals by three-fourths of: (i) the governing body and (ii) “the zoning, planning, or historical commission.” Requires consent by a religious organization. Requires “historic designation impact statements.” Contains related provisions.

Effective Date: Immediate

House Bill 3167

Relating to county and municipal approval procedure for land development applications.

Amends or adds Local Government Code, Chapters 212 and 232, various sections. Repeals Local Government Code, Section 232.0025(e)

Author: Oliverson Sponsor: Hughes

Restricts local regulatory authority over plats and plans for land development. Sets 30-day and 15-day time periods for municipalities and counties to “approve, approve with conditions, or disapprove” plans or plats. Declares that a plan or plat “is approved . . . unless it is disapproved” within a specified time period. Allows a response to trigger the 15-day time period but prohibits any deadline to file responses. Requires written statements regarding conditions or reasons for disapproval, which must include citations and “may not be arbitrary.” Provides for an “alternative approval process.” Eliminates required public hearing for some replats but adds requirement for post-approval notices. Forbids a county from requiring “a preliminary plat, preliminary subdivision plan, subdivision construction plan, site plan, general plan, land development application, or site development plan” during the plat approval process, unless

“explicitly authorized by another law.” Imposes a high burden of proof on a municipality or county in a legal action challenging disapproval.

Effective Date: September 1, 2019

Senate Bill 1510

Relating to the apportionment of infrastructure costs in regard to certain property development projects.

Amends Local Government Code, Section 212.904. Adds Local Government Code, Section 232.110

Author: Schwertner Sponsor: Munoz

Makes counties subject to existing rules requiring municipalities to apportion costs of development-related public infrastructure so that a developer’s share is not more than a “roughly proportionate” amount. Applies to dedications, fees and construction costs. Requires municipalities and counties to determine such apportionments within 30 days of a developer’s application.

Effective Date: June 10, 2019

House Bill 3314

Relating to certain requirements to replat certain municipal subdivision plats.

Amends Local Government Code, Sections 212.014 and 212.015

Author: Romero, Jr. Sponsor: Zaffirini

Eliminates required public hearing for some replats but adds requirement for post-approval notices. (Overlaps replat provisions of House Bill 3167.)

Effective Date: September 1, 2019

House Bill 852

Relating to information a municipality may consider in determining the amount of certain building permit and inspection fees.

Adds Local Government Code, Section 214.907

Author: Holland Sponsor: Fallon

Prohibits municipalities from considering value of a dwelling—or cost of improvements or construction—“in determining the amount of a building permit or inspection fee.” Forbids compelled disclosure of value or cost information “as a condition of obtaining a building permit, except as required by the Federal Emergency Management Agency for participation in the National Flood Insurance Program.”

Effective Date: May 21, 2019

House Bill 2858

Relating to adoption of a uniform swimming pool and spa code for use.

Adds Local Government Code, Section 214.103

Author: Toth Sponsor: Schwertner

Adopts the "International Swimming Pool and Spa Code," as it existed on May 1, 2019, to apply in each municipality “that elects to regulate pools or spas.” Allows local amendments.

Effective Date: September 1, 2020

House Bill 3231

Relating to the regulation of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories by a county or municipality.

Amends Local Government Code, Sections 229.001, 236.001 and 236.002.

Author: Clardy Sponsor: Fallon

Further restricts municipal and county regulations of “firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories.” Casts doubt on the validity of a “zoning ordinance, land use regulation, fire code, or business regulation” that would “effectively restrict or prohibit the manufacture, sale, purchase, transfer, or display of firearms, firearm accessories, or ammunition.” Allows Attorney General to

recover costs and attorney fees in actions against municipal or county regulations.

Effective Date: September 1, 2019

House Bill 3371

Relating to the regulation of certain battery-charged fences by municipalities and counties.

Adds Local Government Code, Section 250.009

Author: Darby Sponsor: Taylor

Limits local regulation of certain “battery-charged fences” (tightly defined).

Effective Date: September 1, 2019

Title 8. Acquisition, Sale, or Lease of Property

House Bill 837

Relating to the sale by certain municipalities of leased land located near the shoreline of a lake.

Amends Local Government Code, Section 272.001(h)

Author: Geren Sponsor: Nelson

Broadens category of municipalities authorized to sell land near lakes to lessees (for appraised value and “without notice or the solicitation of bids”), subject to some restrictions and exemptions. Authorizes all municipalities except “a municipality with a population of more than one million that is located primarily in a county with a population of two million or more.”

Effective Date: June 10, 2019.

Title 10. Parks & Other Recreational & Cultural Resources

House Bill 1628

Relating to the authority of coastal counties to adopt certain rules for island parks, beach parks, and public beaches; creating a criminal offense.

Adds Local Government Code, Sections 321.101, 321.102 and 321.103

Author: Morrison Sponsor: Kolkhorst

Broadens authority of coastal counties to adopt rules for “camping, access, litter, resource protection, or waste disposal,” but only in an “island park,” a “beach park” or “a public beach.” Defines a violation as a Class C misdemeanor.

Effective Date: September 1, 2019

House Bill 1962

Relating to the continuation and functions of the Texas State Library and Archives Commission, including the custody and ownership of certain state records and real property.

Amends, repeals and adds to Government Code, Chapters 324 and 441, various sections. Amends, repeals and adds to Local Government Code, Chapters 202, 203, 204 and 205, various sections

Author: Lambert Sponsor: Hall

Continues Texas State Library and Archives Commission until 2031, after “sunset” review. Changes many provisions for the Commission, state archives and public records, both state and local. Makes the Legislative Reference Library the depository for legislative records but allows special designations of other institutions. Changes responsibilities of Commission and local records management officers. Recognizes a “research request” for access to state archives, in lieu of a public information request. Contains other provisions.

Title 12. Planning & Development

House Bill 1136

Relating to territory included in a common characteristic or use project in a public improvement district established by a municipality.

Amends Local Government Code, Section 372.0035 and 372.005(b-1). Adds Local Government Code, Section 372.0121.

Author: Price Sponsor: Nelson

Broadens class of municipalities authorized to create public improvement districts that are “solely composed of territory in which the only businesses are one or more hotels,” where assessments may only be used “for advertising, promotion, or business recruitment . . . directly related to hotels.” Removes hotel size restrictions. Contains related provisions. (May conflict with other bills also amending Section 372.0035.)

Effective Date: Immediate

House Bill 304

Relating to the governance and operation of municipal management districts.

Amends Local Government Code, Chapter 375, various sections. Amends Local Government Code, Section 382.052(b). Amends Special District Local Laws Code, Section 3855.052(b). Repeals Special District Local Laws Code, Section 3818.251

Author: Paul Sponsor: Nelson

Enhances powers of property owners in municipal management districts. Eliminates “resident” as a separate qualification category for directors (leaving ownership, etc.). Empowers majority of owners (calculated by value) to recommend directors, petition for financing improvements or services (except those assessed by area) and request bond elections. Requires dissolution of a district upon petition of two-thirds of the owners, calculated by value (down from 75% of owners). Requires that district improvements and services “directly benefit property in the district.” Requires that directors of some county improvement districts (not the same as municipal management districts) own an interest in property in the district, or be an agent, employee, or tenant of such an owner.

Effective Date: September 1, 2019.

House Bill 956

Relating to the dissolution of county assistance districts.

Adds Local Government Code, Section 387.013

Author: Miller Sponsor: Miles

Allows county commissioners courts to dissolve county assistance districts (which are authorized to have sales taxes), unless bonds are outstanding, or dissolution would impair a “debt or contract obligation.” Requires notice and public hearing. Contains other provisions.

Effective Date: September 1, 2019.

House Bill 2529

Relating to the governance of public housing authorities.

Amends Local Government Code, Chapter 392, various sections. Repeals Local Government Code 392.0331(b-2) and (b-3)

Author: Leach Sponsor: Watson

Expands roles of public-housing tenants and recipients of public housing assistance in the governance of housing authorities, including eligibility to serve as authority commissioners. Contains related provisions.

Effective Date: September 1, 2019

NATURAL RESOURCES CODE

Title 2. Public Domain

House Bill 2971

Relating to powers and duties concerning records of the General Land Office.

Amends Natural Resources Code Sections 31.056(a) & (b) and 31.0655

Author: Holland Sponsor: Buckingham

Changes, from mandatory to permissive, the statutory provision requiring GLO commissioner to revise and compile the various volumes of the abstracts of patented, titled, and surveyed real property previously prepared by the GLO. Allows the GLO to use proceeds from the Save Texas History program to preserve, conserve, complement and

promote the GLO's records, and to provide educational programming on Texas history.

Effective Date: Immediate

Title 6. Timber

House Bill 2053

Relating to individuals and organizations providing certain services and liability in connection with prescribed burns.

Amends Natural Resources Code Sections 153.004, 153.046, 153.047, 153.081(a), and 153.082; adds Natural Resources Code Section 153.083; repeals Natural Resources Code Sections 153.001(3) and 153.049; amends Local Government Code Section 352.081(f)

Author: Murr Sponsor: Flores

Repeals authority for a prescribed burn to be conducted by a prescribed burning organization. Limits liability for property damage, personal injury, or death caused by or resulting from a prescribed burn conducted under a written plan to the individual responsible for directing said burn (the "burn boss"), except in cases of gross negligence or intentional wrongdoing. Establishes additional requirements if the burn boss is not the owner, lessee, or occupant of the land on which the burn is conducted.

Effective Date: September 1, 2019

Title 7. Resources Programs

Senate Bill 607

Relating to the operations and functions of the Veterans' Land Board and the sunset review date for and programs administered by the board.

Amends Natural Resources Code Sections 161.0111, 161.023(b), and 161.031(a); adds Natural Resources Code Sections 161.0141 and 161.023(d)

Author: Watson Sponsor: Flynn

Sets the VLB for review under the Sunset Act in 2031, and makes minor housekeeping changes

regarding the operation and governance of the VLB.

Effective Date: September 1, 2019

OCCUPATIONS CODE

Title 2. General Provisions Relating to Licensing

House Bill 2452

Relating to complaints filed with the Texas Department of Licensing and Regulation.

Amends Occupations Code Section 51.252(b); adds Occupations Code Sections 51.252(b-1) & (e)

Author: Goldman Sponsor: Zaffirini

Allows but does not require the Texas Department of Licensing and Regulation to accept complaints that lack sufficient identifying information of the complainant. Provides immunity from liability for qualified individuals engaged by TDLR to assist with reviewing or investigating complaints, except in matters involving fraud, conspiracy, or malice by such persons.

Effective Date: Immediate

House Bill 1342

Relating to a person's eligibility for an occupational license; providing an administrative penalty.

Amends Occupations Code Sections 51.355, 53.021(a), 53.022, and 53.023(a) & (b); adds Occupations Code Sections 51.357, 51.358, 51.4041(a-1), 53.003, 53.0231, 53.026, 53.051, and 53.104(b); repeals Occupations Code Section 53.023(c)

Author: Leach Sponsor: Hinojosa

Intended to enhance opportunities for a person to obtain gainful employment after criminal conviction and discharge of sentence, to be construed liberally. Loosens restrictions on occupational license eligibility related to certain criminal convictions. Allows for a license application less than one year from date

of revocation solely due to failure to pay an administrative penalty, if the penalty is paid in full or under an agreed payment plan. Establishes a process for restricted air conditioning and refrigeration contractor licenses or electrician licenses under certain circumstances, in lieu of revocation, suspension, etc. Allows relevant education, training, or experience obtained while an applicant was imprisoned to be considered for license eligibility, provided that the applicant previously held the same type of license, was not convicted of a violent or other serious crime, and meets certain other requirements. Removes as grounds for licensure disqualification a conviction for an offense not directly related to the duties and responsibilities of the licensed occupation. Mandates written notice of intent to deny licensure, allowing at least thirty days for the applicant to respond. Requires development of a best practices guide for applicants with a prior conviction to use when applying for a license. Eliminates requirement for convicted applicants to provide proof of good conduct post-release.

Effective Date: September 1, 2019

Senate Bill 1217

Relating to the consideration of certain arrests in determining an applicant's eligibility for an occupational license.

Adds Occupations Code Section 53.0231

Author: Alvarado Sponsor: Morales

Prohibits a licensing authority from considering an arrest not resulting in conviction or deferred adjudication when determining whether an applicant or licensee is fit to perform the duties and discharge the responsibilities of the licensed occupation.

Effective Date: Immediate

Senate Bill 37

Relating to a prohibition on the use of student loan default or breach of a student loan repayment or scholarship contract as a ground for refusal to grant or renew an occupational license or other disciplinary action in relation to an occupational license.

Amends heading of Occupations Code, Chapter 56; amends Occupations Code Sections 56.001(3)-(6) and 56.003; repeals Occupations Code Sections 56.001(1), 56.002, 56.004, 56.005, and 56.006; repeals Education Code Section 57.491; amends Finance Code Sections 157.015(f) & (g) and 180.055(d); amends Government Code Sections 466.155(a) & (g); repeals Government Code Sections 82.022(c) and 154.110(e)

Author: Zaffirini Sponsor: Krause

Prohibits disciplinary action against a licensee for default on a student loan or breach of a student loan repayment contract. Terminates any pending disciplinary action for student loan default.

Effective Date: Immediate

**Title 6. Regulation of Engineering,
Architecture, Land Surveying, & Related
Materials**

House Bill 1894

Relating to the repeal of the criminal penalty for a violation of the interior designers licensing law.

Repeals Occupations Code, Chapter 1053, Subchapter H

Author: Goldman Sponsor: Hancock

Repeals the criminal penalty for representing that one is a “registered interior designer” by either using that title or by using words that imply such, applied prospectively.

Effective Date: September 1, 2019

House Bill 1523

Relating to the continuation of the regulation of land surveyors and the transfer of the regulation to the Texas Board of Professional Engineers and Land Surveyors, following the recommendations of the Sunset Advisory Commission; changing fees.

Adds, amends, and redesignates various sections of Occupations Code, Chapter 1001; amends Occupations Code Sections

1002.004(j) and 1051.607(b), (g), & (h); adds, amends, and repeals various sections of Occupations Code, Chapter 1071; amends Civil Practice and Remedies Code Section 150.003(a); amends Government Code Sections 411.122(d), 469.104, 472.001, 472.102(c), 2054.352(a), and 2166.202(b); amends Health and Safety Code Sections 361.901(6) and 366.071(c); amends Insurance Code Sections 2210.2515(c) & (d); amends Natural Resources Code Section 89.023(a); amends Transportation Code Section 223.151; amends Water Code Sections 26.3573(u), 26.364(b), (c), & (e), and 26.366(b), (c), & (e)

Author: Nevarez Sponsor: Buckingham

Omnibus bill abolishing the Texas Board of Professional Land Surveying as of September 1, 2020 and transferring its obligations, property, rights, powers, and duties to the Texas Board of Professional Engineers; the combined board shall be called the Texas Board of Professional Engineers and Land Surveyors (herein, the Board). Extends the sunset of the Board until September 1, 2025. Changes composition of the Board to include one land surveyor. Names the GLO commissioner or the commissioner's designee as director of surveying to be an ex officio nonvoting member of the Board. Requires the Board to appoint an advisory committee to provide advice and recommendations to the Board on matters related to the regulation of land surveying, including at least five land surveyors.

Effective Date: September 1, 2019

House Bill 1311

Relating to the continuation and functions of the Texas Board of Professional Geoscientists.

Amends Occupations Code Sections 1002.003, 1002.057(a), 1002.060(b), 1002.204(a), 1002.253(a) & (c), 1002.255, 1002.257(a), 1002.260, and 1002.452(b); adds Occupations Code Sections 1002.057(a-1), 1002.060(d), 1002.1511, and 1002.204(c)

Author: Thompson Sponsor: Watson

Omnibus bill primarily regarding the administration, operation, and governance of the

Texas Board of Professional Geoscientists. Extends the sunset of the Board until September 1, 2025. Raises the maximum allowable administrative penalty from \$100 to \$1,500.

Effective Date: September 1, 2019

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

Senate Bill 624

Relating to the continuation and functions of the Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board; changing fees.

Adds and amends various sections of Occupations Code, Chapters 1101-1105; repeals Occupations Code Section 1101.552(c); adds Occupations Code Section 1303.054; adds Property Code Sections 221.0245 and 221.028

Author: Nichols Sponsor: Thompson

Omnibus Texas Real Estate Commission (TREC) and the Texas Appraiser Licensing and Certification Board (TALCB) bill, dealing primarily with TREC's and TALCB's administration, operation, governance, and financial structure. Extends the sunset of both boards until September 1, 2025. Grants TREC authority to dismiss complaints it finds inappropriate or without merit. Abolishes residency requirement for TREC and TALCB licensees. Adds failure to consider market conditions in the applicable local market to the list of grounds for license suspension or revocation. Allows TALCB to order its licensees to refund consumer-paid fees instead of or in addition to other disciplinary action. Repeals TREC's authority to purchase, construct, or sell property. Eliminates the branch office license requirement for multi-office real estate brokers.

Effective Date: September 1, 2019

House Bill 2546

Relating to the energy efficiency performance standards for construction of certain industrialized housing.

Adds Occupations Code Section 1202.1536

Author: Guillen Sponsor: Hughes

Aligns certain building code requirements for industrialized (modular) single-family dwellings with building code requirements for site-built single-family dwellings, by allowing an industrialized housing manufacturer or builder to construct single-family industrialized housing to standards equal to or more stringent than the existing energy efficiency performance standards for single-family site-built residential construction.

Effective Date: September 1, 2019

House Bill 1385

Relating to the regulation of industrialized housing and buildings.

Amends Occupations Code Sections 1202.002(c) and 1202.003(d)

Author: King Sponsor: Hancock

Removes the four-story or 60-foot height restriction on industrialized housing and industrialized buildings, aligning Texas law with industry standards.

Effective Date: September 1, 2019

PENAL CODE

Title 3. Punishments

House Bill 1028

Relating to increasing the criminal penalties for certain offenses committed in a disaster area or an evacuated area.

Amends Penal Code Sections 12.50(b) and (c); Repeals Penal Code, Section 12.50(d)

Author: Guillen Sponsor: Huffman

Expands the increase in punishment to the next higher category of offense if such offense is committed in a disaster or evacuated area to include: arson, burglary of coin-operated or coin collection machines, burglary of vehicles, and criminal trespass. If such offenses for burglary

of coin-operated or coin collection machines, burglary of vehicles, and criminal trespass are punishable as a Class A misdemeanor, the minimum term of confinement is increased to 180 days. If such offense for arson is punishable as a first degree felony, the punishment may not be increased under this section. Repeals a defense to a charge under this section for theft if such conduct meets the elements required for necessity.

Effective Date: September 1, 2019

Senate Bill 201

Relating to increasing the criminal penalties for certain offenses committed in a disaster area or an evacuated area.

Amends Penal Code, Sections 12.50(b) and (c); Repeals Penal Code, Section 12.50(d)

Author: Huffman Sponsor: Oliverson

Expands the increase in punishment to the next higher category of offense if such offense is committed in a disaster area or evacuated area to include: arson, burglary of vehicles, and criminal trespass. If such offenses for burglary of vehicles and criminal trespass are punishable as a Class A misdemeanor, the minimum term of confinement is increased to 180 days. If such offense for arson is punishable as a first degree felony, the punishment may not be increased under this section. Repeals a defense to a charge under this section for theft if such conduct meets the elements required for necessity.

Effective Date: September 1, 2019

Senate Bill 1258

Relating to the prosecution of limited liability companies and other business entities under the Penal Code.

Amends Penal Code, Sections 1.07(a)(38), Subchapter B, Chapter 7, Section 12.51, Section 20.01(4), Section 32.43(e)

Author: Buckingham Sponsor: Moody

Adds limited liability companies and other entities and organizations governed by the

Business Organizations Code to the Penal Code definition of “persons” and “agents”. Provides that limited liability companies and other entities and organizations governed by the Business Organizations Code are subject to the same criminal liabilities and punishments as corporations and associations as set forth in the Penal Code.

Effective Date: September 1, 2019

Title 7. Offenses Against Property

House Bill 121

Relating to a defense to prosecution for the offense of trespass by certain persons carrying handguns.

Adds Subsection (g) to Section 30.6, Penal Code; Adds Subsection (h) to Section 30.07, Penal Code

Author: Swanson Sponsor: Creighton

Creates a defense to prosecution for trespass by a licensed handgun carrier with either a concealed or openly carried handgun if such license holder was personally given notice by oral communication by a property owner, and promptly departed from the property.

Effective Date: September 1, 2019

House Bill 37

Relating to the creation of the criminal offense of mail theft.

Adds Section 31.20 to Chapter 31, Penal Code

Author: Minjarez Sponsor: Perry

Creates a criminal offense for mail theft for persons who intentionally appropriate mail from another person’s mailbox or premises without such person’s consent and with the intent to deprive the addressee of the mail. Such offense is a Class A misdemeanor if the mail is taken from fewer than 10 addressees, a state jail felony if taken from at least 10 but fewer than 30 addressees, and a third-degree felony if taken from 30 or more addressees. If it is shown at trial that such offense involved mail containing identifying information and was committed to

facilitate an offense under Section 32.51 of the Penal Code, then such offense is a state jail felony if the mail is taken from fewer than 10 addressees, a third degree felony if taken from at least 10 but fewer than 20 addressees, a second degree felony if taken from at least 20 but fewer than 50 addressees, and a first degree felony if taken from 50 or more addressees. If such offense involved mail containing identifying information, was committed to facilitate an offense under Section 32.51 of the Penal Code, and it is shown at trial that the addressee that the actor appropriated mail from was an elderly or disabled individual, then the punishment is increased to the next higher category of offense.

Effective Date: September 1, 2019

Senate Bill 207

Relating to the offense of money laundering.

Amends Penal Code, Section 34.01(2)

Author: Kolkhorst Sponsor: Parker

Adds digital currency to the definition of “funds” as used in Section 34 of the Penal Code relating to the offense of money laundering.

Effective Date: September 1, 2019

PROPERTY CODE

Title 2. Conveyances

Senate Bill 339

Relating to a seller's disclosure notice for a residential property regarding floodplains, flood pools, floodways, or reservoirs.

Amends Property Code, Section 5.008(b)

Author: Huffman Sponsor: Morrison

Expands the residential seller disclosure form to include new, more specific questions concerning flooding. Replaces questions related to “previous flooding” and “water penetration” with questions concerning (1) previous flooding due to failure or breach of a reservoir or a controlled or emergency release

of water therefrom, (2) previous water penetration into a structure due to a natural flood event, and (3) whether the sellers have filed an insurance claim for flood damage to the property. Requires sellers to identify whether a home is located wholly or partly in a 100-year floodplain, in a 500-year floodplain, in a floodway, in a flood pool, or in a reservoir and defines the various terms. The new form distinguishes between water entry related to flooding and water damage “not due to a flood event.”

Effective Date: September 1, 2019

Title 3. Public Records

Senate Bill 489

Relating to personal information that may be omitted from certain records, licenses, and reports and to other court security measures.

Adds Election Code, Section 254.0313; Amends Government Code, Section 72.015; Amends Local Government Code, Section 145.007; Adds Local Government Code, Section 159.071; Amends Property Code, Section 11.008; Amends Tax Code, Section 25.025

Author: Zaffirini Sponsor: Smithee

Broadens the application of Section 11.008 of the Texas Property Code (which pertains to the notice that a person may remove or strike a social security number or driver’s license number from an instrument) so that it applies not only to deeds and deeds of trust, but also to any other record recorded by a county clerk related to real property, including a mineral lease, mechanic’s lien, or the release of a mechanic’s lien. Requires removal or redaction of addresses of state and federal judges and their spouses, municipal court judges, judicial candidate for municipal court judge, or his or her spouse, county attorney, or state judge (including candidates for those offices) and their spouses from certain public records and reports.

Effective Date: September 1, 2019

Senate Bill 2128

Relating to the recording by a county clerk of certain documents concerning real or personal property.

Amends Local Government Code, Section 193.003(b); Amends Property Code, Section 12.0011(b); Adds Property Code, Section 12.0013

Author: Creighton Sponsor: Parker

Instructs a county clerk to record a copy of an electronic record that has been declared to be a true and correct copy by a notary public, or other officer who may take an acknowledgment or proof of a written instrument under Section 121.001, Civil Practice and Remedies Code. Establishes that a paper copy of an instrument that is declared to be true and correct in accordance with the new statute satisfies requirements for recording, including requirements that the document be original, in writing, and be acknowledged. Creates a “Declaration of Authenticity” form for a notary (or other permitted officer under the statute) to declare that the document is a true and correct copy.

Effective Date: September 1, 2019

House Bill 1833

Relating to the authority to transfer real property in the name of an entity.

Adds Property Code, Section 12.019

Author: Wray Sponsor: Hughes

Permits certain for-profit entities and estates, and other owners of an interest in real property to file in the real property records an affidavit identifying the person authorized to transfer the real property. Defines “transfer” as a transaction not only to sell or convey property, but also to lease, plat, rezone, “or otherwise dispose of an estate...or a right incident to real property”. Requires the affidavit to include the name and address of the owner of the property, a description of the property, and the name and title of the individual authorized to transfer property on behalf of the entity, estate, or other owner. Establishes guidelines about who is

authorized to file the affidavit; in the case of limited liability companies, members or managers are authorized to file such affidavits; in the case of limited partnerships, a general partner is authorized to file such an affidavit and, in the case of a professional entity, a director or officer is authorized to file such an affidavit. Generally, the person signing the affidavit may not be the person authorized to transfer the property unless that person is the sole authorized person to transfer the property. Allows a person who acts in good faith in reliance on an unexpired affidavit to avoid liability for such reliance, even if the person acts “without inquiry”, unless the person has actual knowledge of any incorrect facts in the affidavit. If a person enters into a transaction in reliance on an unexpired affidavit that complies with the requirements, the transacting party may enforce the transaction unless the person has actual knowledge of any incorrect facts in the affidavit. Provides that, unless earlier terminated in accordance with the statute, an affidavit recorded under this process automatically expires in one (1) year of the recording date.

Effective Date: September 1, 2019

Title 6. Unclaimed Property

House Bill 3598

Relating to certain unclaimed property that is presumed abandoned.

Amends Property Code, Sections 72.101(a), 74.001(a), 74.103(b), 74.401(a), 74.501(d) and (e), 74.702(a), 74.704, and 74.709(a); Adds Property Code, Sections 74.105, 74.106, 74.206, 74.702 (c), 74.7021, 74.711, and 74.712; Repeals Property Code, Section 74.401(c)

Author: Martinez Fischer Sponsor: Zaffirini

Revises certain aspects of the report, delivery, and claim process for abandoned personal property, abandoned property held by financial institutions, and abandoned mineral proceeds.

Effective Date: Immediate

Title 7. Condominiums

House Bill 302

Relating to the carrying, storage, or possession of a firearm or firearm ammunition by certain persons on certain residential or commercial property.

Amends Penal Code, Sections 30.05, 30.06, and 30.07; Amends Property Code, Section 82.002; Adds Property Code, Sections 82.121, 92.026, and 94.257

Author: Paul

Sponsor: Hughes

Allows a person living in an apartment, condominium unit or manufactured home (or any of the person’s tenants or guests) to carry or store a firearm, handgun, or firearm ammunition within a residence, to or from a parking area, and in the person’s vehicle in a parking area. Provides persons carrying or storing a firearm, handgun, or firearm ammunition in accordance with the statute with a defense to certain criminal trespass actions. Prevents owners of apartments, condominiums, or manufactured homes from prohibiting (unless prohibited by state or federal law) the lawful possession, carrying and storage of firearms and firearm ammunition in a residence, in a vehicle, or in locations necessary to enter and exit the premises or a vehicle.

Effective Date: September 1, 2019

House Bill 2569

Relating to requirements for condominium plats or plans.

Amends Property Code, Section 82.059

Author: Darby

Sponsor: Hughes

Eliminates a requirement for a condominium plat to show any horizontal unit boundaries if they are described in the condominium declaration.

Effective Date: September 1, 2019

Title 8. Landlord and Tenant

House Bill 1002

Relating to the term of a parking permit issued to a residential tenant by a landlord.

Adds Property Code, Section 92.0132

Author: Collier Sponsor: West

Requires the term of a landlord-issued parking permit to end on the same date as the tenant's lease. Prohibits a landlord from terminating or suspending a tenant's parking permit until the date the tenant's right of possession ends. Applies prospectively.

Effective Date: January 1, 2020

Senate Bill 234

Relating to the right to vacate and avoid residential lease liability following the occurrence of family violence.

Amends Property Code, Section 92.016(b), (c), and (c-1); Adds Property Code, Section 92.016(b-1)

Author: Nelson Sponsor: Morrison

Facilitates the process to terminate a residential lease due to family violence by allowing the tenant to provide additional documentation to satisfy the statutory requirements, including a magistrate's emergency protective order or documentation of violence from a licensed health care services provider, a mental health services provider, or a trained advocate from a family violence center who has treated or assisted the victim.

Effective Date: September 1, 2019

Senate Bill 1414

Relating to fees regarding a residential tenant's failure to timely pay rent.

Author: Hancock Sponsor: Phelan

Amends Section 92.019 of the Property Code and adds Section 92.0191 to the Property Code

Clarifies the standard for late fees that a landlord on a residential lease may charge to "reasonable" fees. Increases the time period for which a landlord is forbidden from charging a late fee on a residential lease from one full day to two full days after rent is due. Establishes safe-harbor definitions for "reasonable" fees, which shall be not more than 12 percent of the rent amount for a 1-4 family rental complex and not more than 10 percent of the rent amount for rental complexes with 5 units or more. Clarifies definition of treble-damages against landlord for improper collection of late fees. Establishes that a residential tenant may request a written statement of whether the tenant owes a late fee to the landlord and the amount of such fee. Amended provisions as to late fees apply only to residential leases entered into on or after September 1, 2019.

Effective Date: September 1, 2019

House Bill 69

Relating to the right to vacate and avoid liability under a residential lease after a tenant's death.

Adds Property Code Section 92.0162

Author: Minjarez Sponsor: Zaffirini

Allows an estate's representative to terminate the decedent-tenant's residential lease, provided that the decedent was the sole occupant and that the representative meets the following requirements: (1) provides the landlord or its agent with written notice of termination; (2) the tenant's property is removed from the leased premises; and (3) the representative signs a removed property inventory if the landlord so requires. Terminates lease thirty days after notice, or once the above requirements are met. Requires the landlord to provide a copy of the lease to the representative. Does not release estate from tenant's pre-termination liability, including delinquent rent and damage beyond normal wear and tear. Exempts landlord from liability for any act or omission related to representative's entry into leased premises. Applies prospectively.

Effective Date: January 1, 2020

Title 9. Trusts

[House Bill 2245](#)

Relating to trusts.

Amends Property Code Sections 111.0035(b), 112.054(c), and 142.005(b); adds Property Code Subchapter E, Chapter 112 and Chapter 143; adds Property Code Sections 112.0335, 112.0715, and 142.010

Author: Wray

Sponsor: Rodriguez

Implements REPTL-recommended changes to the Property Code related to trusts. Prohibits a trust's terms from limiting a court's power to order disgorgement of a trustee's compensation if the trustee commits a breach of trust, or to make an award of costs and attorney's fees. Establishes construction and interpretation rules regarding certain amendable or revocable trusts, and that abatement of at-death transfers are subject to the same provisions under the Estates Code as abatement of bequests. Establishes similar equivalents regarding at-death transfers of specifically identifiable trust property, non-specifically identifiable trust property, and remainder property. Makes the reformation of a trust by court order effective as of the trust's creation. Authorizes the creation of a second trust from the distribution from the first trust, codifying common law existing as of the effective date. Establishes rules regarding certain revocable trust provisions regarding a divorced settlor's former spouse or relatives of the former spouse not also related to the settlor. Establishes rules regarding management trusts and pooled trusts.

Effective Date: September 1, 2019

[House Bill 2246](#)

Relating to the fiduciary status of a directed trust advisor.

Amends Property Code Section 114.0031(e); adds Property Code Section 114.0031(e-1)

Author: Wray

Sponsor: Rodriguez

Establishes that a directed trust advisor is a fiduciary regardless of any contrary terms of the trust, but creates an exception allowing the

advisor to act in a nonfiduciary capacity if the advisor's only power is to remove and appoint trustees, advisors, trust committee members, or other protectors, and the advisor does not exercise that power to self-appoint. Allows the exercise of a power in a nonfiduciary capacity as required by the Internal Revenue Code.

Effective Date: September 1, 2019

Title 11. Restrictive Covenants

[House Bill 234](#)

Relating to the local regulation of the sale of lemonade or other beverages by children.

Adds Property Code Section 202.020; adds Local Government Code Section 250.009

Author: Krause

Sponsor: Nelson

Prohibits property owners' associations from adopting or enforcing a restrictive covenant that would prohibit or regulate, including by requiring a permit or fee, children under 18 years old from selling lemonade or other non-alcoholic beverages from a stand located on property in the subdivision when such children have permission from a property owner. Clarifies that a property owners' association owes no duty of care to people who buy from lemonade stands and is not liable for injury of anyone buying lemonade from a lemonade stand. Prohibits municipalities, counties, or other local public health authorities from prohibiting or regulating lemonade stand sales by children.

Editor's Note: House Bill 234 and Senate Bill 741 each added a section to the Property Code numbered "202.020" that provide rules governing lemonade stands and firearms, respectively.

Effective Date: September 1, 2019

[Senate Bill 741](#)

Relating to restrictive covenants regarding firearms or firearm ammunition.

Adds Property Code Section 202.020

Author: Hughes

Sponsor: Landgraf

Prohibits a property owners' association from including or enforcing a covenant that prohibits or restricts, or has the effect of prohibiting or restricting, any person who is otherwise authorized from lawfully possessing, transporting, or storing a firearm, any part of a firearm, or firearm ammunition, as well as otherwise lawful discharge of a firearm.

Effective Date: September 1, 2019

House Bill 1025

Relating to membership on and the eligibility of certain persons to serve on the board of certain property owners' associations.

Amends Property Code, Chapter 209, amends Section 209.00591, adding Subsections (a-2) and (a-3)

Author: Bohac Sponsor: Whitmire

Authorizes a property owners' association that governs a subdivision with multiple sections to designate in an association instrument a specified number of positions on the board, each of which must be elected from a designated section of the subdivision. Authorizes the requirement that each board member representing a section to reside in that section. Prohibits a person from serving on the board of a property owners' association if the person cohabits at the same primary residence with another board member of the association, but does not apply to an association with fewer than 10 residences or during a subdivision's development period to affect the eligibility to serve on the board of a person who cohabits with the developer of the subdivision or the developer of the subdivision.

Effective Date: Immediate with respect to Subsection (a-3); September 1, 2019, with respect to Subsection (a-2)

SPECIAL DISTRICTS

Senate Bill 606

Relating to the Lower Colorado River Authority, following recommendations of the Sunset Advisory Commission.

Amends Special Districts Local Laws Code, Section 8503.0021(a); adds Special Districts Local Laws Code, Sections 8503.0065, 8503.0105, 8503.0106, 8503.0107 and 8503.0108

Author: Watson Sponsor: Nevarez

Revises the Lower Colorado River Authority's enabling law after "sunset" review. Adopts certain changes recommended by the Sunset Advisory Commission. Adds provision for stakeholder engagement and alternative dispute resolution. Sets next sunset review for 2031, with an existing provision that the Authority may not be abolished. Does not change groundwater development powers as urged by some commenters.

Effective Date: September 1, 2019

TAX CODE

Title 1. Property Tax Code

Senate Bill 1943

Relating to the ad valorem taxation of heir property.

Adds subsections (20) and (21) to Tax Code Section 1.04; adds Tax Code Section 5.061; amends Tax Code Sections 11.13(h), 11.26; adds Tax Code Subsections 11.261(n) and 11.41(c); amends Tax Code Section 11.43(o); Adds subsections (o-1) and (o-2) to Tax Code Section 11.43; adds Sections 11.49, 33.06(h), and 33.065(j)

Author: Watson Sponsor: Rodriquez

Defines "heir property" for certain real property acquired through intestacy or by transfer on death deed. Requires the comptroller to publish a pamphlet that provides owners of heir property information in applying for a residence homestead exemption. Provides a list of documents to be provided for owner of heir property to establish whether he or she is the owner of the property, if not identified on a deed or the real property records. Confirms that grant or denial of homestead exemption to owner of heir property does not affect legal title.

Effective Date: September 1, 2019

Senate Bill 2

Relating to ad valorem taxation; authorizing fees.

Amends Tax Code Sections 1.045, 1.07, 1.085, 5.041, 5.09, 5.091, 5.102, 5.13, 6.035, 6.41, 6.412, 6.414, 6.42, 11.24, 11.4391, 22.23, 25.19, 26.012; extensively amends Tax Code Section 26.04; amends Tax Code Sections 26.041, 26.043, 26.044, 26.0441, 26.045, 26.05, 26.052, 26.06, 26.065, 26.07, 26.08, 26.16, 31.12, 33.08, 41.03, 41.44, 41.45, 41.46, 41.461, 41.47, 41.66, 41.67, 41.71, 41A.06, 41A.061, 41A.07, 41A.09(b); adds Tax Code Sections 1.086, 5.01, 5.043; adds Tax Code Subsections 5.07(f-j); adds Tax Code Sections 5.104 and 6.054; adds Tax Code Subsection 6.15(c-1); adds Tax Code Sections 6.16 and 6.425; adds Tax Code Subsection 23.01(h); adds Tax Code Sections 25.192, 25.193, and subsection 26.01 (a-1); adds Tax Code Sections 26.013, 26.0442, 26.0443, 26.061, 26.062, 26.063, 26.075, 26.17, 26.18, 41.081, repeals Tax Code Subsections 5.103(e-f), 6.412(e), 22.23(c), 25.19(b-2), 41A.06(c), 42.23(i); amends Government Code Section 403.302; repeals Government Code Subsections 403.302(m-1) and (n); amends Health and Safety Code Sections 281.107 and 281.124; amends Local Government Code Sections 102.007, 102.008, 111.039, and 111.068; repeals Local Government Code 140.010; amends Special District Local Laws Code Sections 1122.2522, 3828.157, and 8876.152; repeals Special District Local Laws Code Section 1063.255; amends Water Code Sections 49.057, 49.107, 19.108, 49.236; adds Water Code Subsections 49.057(b and b-1), 49.107(g), 49.108(f), 49.236(a); adds Water Code Sections 49.23601, 2923602, 2923603; repeals Water Code Sections 49.236 and 49.2361; repeals Water Code Subsection 49.236(d); amends Section 6B(f), Chapter 1472, Acts of the 77th Legislature, Regular Session, 2001

Author: Bettencourt Sponsor: Burrows

“The Texas Property Tax Reform and Transparency Act of 2019”

Requires cities, counties, and other taxing units to receive voter approval before levying 3.5% or more property tax revenue than the previous year, with certain exceptions. Provides detailed requirements for computing tax rates to determine whether voter approval is required. Allows voters to petition for an election on rates under certain circumstances. Requires chief tax appraiser to send email notices of changes in value to real property that an owner occupies as principal residence if the owner requests the appraiser to send such notices by email. Mandates comptroller to create curricula to train arbitrators for property tax disputes. Allows larger counties, with a population of one million or more, to increase the size of appraisal review boards. Provides standards for generally accepted appraisal methods and techniques to determine property value. Requires chief appraiser to send notice of potential for homestead exemptions where property address and address of property owner for notice purposes match in appraisal records. Requires taxing units to post information online regarding, among other things, taxing unit’s budget and contact information for members.

Effective Date: January 1, 2020, for most of the Act because HB 3 also passed to allow the Act to take effect; certain provisions effective September 1, 2020; certain provisions effective January 1, 2021; certain provisions effective January 1, 2022

Senate Bill 1856

Relating to the payment of certain ad valorem tax refunds.

Adds Tax Code Section 1.071; amends Sections 11.431(b), 11.439(b), 26.112(b), 26.1125(b), 26.1127(b).

Author: Paxton, A. Sponsor: Murphy, J.

Requires a refund be sent to the mailing address listed on the appraisal roll unless the person files a written request that the refund be sent to a particular address. Requires refund to be sent to the owner of property on the date the tax was paid if a late application for an exemption for a disabled veteran or their surviving spouse, the surviving spouse of a

member of the armed forces killed in action, or the surviving spouse of a first responder killed in the line of duty is later approved, which can be up to two years later. Requires refund of taxes paid be sent to the person who was the owner of the property on the date tax was paid if a late application for a disabled veteran exemption is later approved, which can be up to five years later. Requires refund of taxes paid be sent to the person who was the owner of the property on the date tax was paid if the exemption is backdated to January 1st of the year the person qualified for the exemption, including exemptions for the disabled or over 65 years of age, a surviving spouse of a member of armed forces killed in action, and the surviving spouse of a first responder killed in action.

Effective Date: September 1, 2019

House Bill 1060

Relating to the authority of a property owner to request that notice of a protest hearing before the appraisal review board be delivered by certified mail or electronic mail.

Amends Tax Code Sections 1.08 and, 41.46

Author: Bell Sponsor: Kolkhorst

Provides that a property owner is not required to enter into an agreement with the Appraisal Review Board to be entitled to electronic delivery of a notice of protest of hearing under Section 41.46. Requires Appraisal Review Board to deliver notice of hearing by certified mail if property owner requests delivery by certified mail in its notice of protest under Section 41.46. Requires Appraisal Review Board to deliver notice of hearing by electronic mail if property owner requests delivery by electronic mail and provides an email address in their notice of protest under Section 41.44.

Effective Date: September 1, 2019

House Bill 3384

Relating to the authority of the comptroller to conduct a limited-scope review of an appraisal district located in an area declared by the governor to be a disaster area.

Amends Tax Code Section 5.102(a); adds Tax Code subsections 5.102 (a-1) and (a-2).

Author: Hine Sponsor: Bettencourt

Permits the comptroller to conduct a limited-scope review in a county wholly or partly in a disaster area if the chief appraiser requests the review conducted be a limited-scope review and under listed circumstances caused by the disaster.

Effective Date: Immediate

House Bill 2441

Relating to the entitlement of a person who is disabled and elderly to receive a disabled residence homestead exemption from ad valorem taxation from one taxing unit and an elderly exemption from another taxing unit.

Amends Tax Code Section 11.13(h).

Author: Wray Sponsor: Paxton

Permits an eligible disabled person who is over 65 years of age to receive both a disabled and an elderly residence homestead exemption in the same year if the person receives the exemptions from taxes levied by different taxing units.

Effective Date: January 1, 2020

Senate Bill 443

Relating to the period for which a property owner may receive a residence homestead exemption from ad valorem taxation for property that is rendered uninhabitable or unusable as a result of a disaster.

Amends Tax Code Section 11.135(a); adds Tax Code Subsection 11.135(a-1).

Author: Hancock Sponsor: Murphy

Extends the period of time under which the owner of a property must begin active construction of the replacement residential structure to five years for property located in an area declared to be a disaster area by the governor and rendered uninhabitable. Limits the tax exemption to five years for properties in declared disaster area or two years otherwise

for properties not in a declared disaster area by the governor.

Effective Date: Immediate

House Bill 1313

Relating to ad valorem taxation.

Amends Tax Code Sections 11.26 and 23.01(e)

Author: King Sponsor: Birdwell

Allows the surviving spouse of a disabled person with a tax ceiling to retain the tax ceiling. Provides that a surviving spouse of a disabled person who passes away before January 1, 2020, has their limitation calculated as if they were entitled to the limitation when their spouse died. Raises burden of proof from “substantial evidence” to “clear and convincing evidence” for increasing the appraised value of property when appraised value was lowered the prior year under Subchapter F of Tax Code Chapter 23.

Effective Date: January 1, 2020

House Bill 492

Relating to temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster.

Adds Tax Code Section 11.35; Amends Tax Code Sections 11.42(e), 11.43, 26.012(15), 41.03(a), 41.41, 41.44(a); amends Government Code Section 403.302(d); repeals Tax Code Section 23.02

Author: Shine Sponsor: Taylor

Allows a temporary exemption from taxation by a taxing unit for a portion of the appraised value of qualified property damaged by disaster, which includes income producing tangible personal property, improvements to real property, or a manufactured home. Provides process for property owner to request the exemption and for the chief appraiser of the applicable taxing unit to analyze the exemption request for approval or denial, including a determination of the amount of the exemption to be granted, if any. Creates damage assessment level ratings chief appraisers must assign to property after receipt of an application.

Effective Date: January 1, 2020, but only if the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, authorizing the legislature to provide for a temporary exemption from ad valorem taxation of a portion of the appraised value of certain property damaged by a disaster is approved by the voters. If that amendment is not approved by the voters, this Act has no effect.

Senate Bill 812

Relating to the application of the limit on appraised value of a residence homestead for ad valorem tax purposes to an improvement that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage.

Amends Tax Code Section 23.23(g).

Author: Lucio Sponsor: Thompson

Adds to the definition of a “disaster recovery program” to include a program administered by the General Land Office or by a political subdivision of this state funded with community development block grant disaster recovery money authorized by federal law.

Effective Date: Immediate

House Bill 1254

Relating to the eligibility of land secured by a home equity loan to be designated for agricultural use for ad valorem tax purposes.

Repeals Tax Code Subsection 23.42(a-1)

Author: Murphy Sponsor: Hancock

Repeals prohibition on an individual having land designated for agricultural use for property tax purposes if the land secures a home equity loan.

Effective Date: January 1, 2020

House Bill 1743

Relating to the additional ad valorem tax and interest imposed as a result of a change of use of certain land.

Amends Sections 23.55(a), 23.76(a), Tax Code

Author: King Sponsor: Creighton

Reduces lookback period for increased taxes imposed for change of use for agricultural land and timber land from five years to three years. Reduces interest rate charged on lookback taxes from seven percent to five percent.

Effective Date: September 1, 2019

Senate Bill 2060

Relating to the contents of a notice of appraised value sent to a property owner by the chief appraiser of an appraisal district.

Adds Subsection (1) to Tax Code Section 25.19

Author: Menendez Sponsor: Guillen

Requires notice of appraised value to include information on exemptions available to a disabled veteran or the veteran's surviving spouse or child; an individual who is 65 years of age or older or the individual's surviving spouse; an individual who is disabled or the individual's surviving spouse; the surviving spouse of a member of the armed services of the United States who is killed in action; or the surviving spouse of a first responder who is killed or fatally injured in the line of duty.

Effective Date: January 1, 2020

House Bill 1409

Relating to the qualification of land for appraisal for ad valorem tax purposes as timber land or restricted-use timber land.

Amends Tax Code Sections 23.72 and 23.9802; adds Tax Code Sections 23.765 and 23.9808

Author: Ashby Sponsor: Nichols

In determining whether a parcel of land is eligible for appraisal as timber land, prohibits appraiser from considering purposes for which a portion of parcel is used if that portion is used for the production of timber or forest products, including a road, right-of-way, buffer area, or firebreak; or is subject to a right-of-way that was taken through eminent domain. Provides that

eligibility of land for appraisal as timber land or restricted-use timber land does not end because a lessee under an oil and gas lease begins conducting oil and gas operations over which the Railroad Commission of Texas has jurisdiction if the portion of the land on which oil and gas operations are not being conducted otherwise continues to qualify for appraisal as timber or restricted-use timber land.

Effective Date: September 1, 2019

House Bill 2159

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

Amends Section 25.25, Tax Code

Author: Meyer Sponsor: Paxton
Provides a lower required hurdle on homestead property to change the appraisal roll to correct an error from one third of the appraised value of homestead property to one fourth of the appraised value of homestead property.

Effective Date: Immediate

Senate Bill 2083

Relating to the calculation of the ad valorem taxes imposed on property for the year in which the property is acquired by a governmental entity.

Amends Tax Code Section 26.11(a)

Author: Hinojosa Sponsor: Darby

Adds property a governmental entity takes possession of during pending litigation in a condemnation proceeding under Property Code Section 21.021 to the list of taxable properties that qualify for, and were granted, an exemption for determining how to calculate the prorated tax due on the property.

Effective Date: Immediate

House Bill 1883

Relating to deferred payment of ad valorem taxes for certain persons serving in the United States armed forces.

Amends Tax Code Sections 31.02(b-c) and 33.01

Amends Tax Code Sections 41A.03(a) and 41A.05

Author: Bohac Sponsor: Hancock

Extends time period for appealing an appraisal review board order from 45 days to 60 days. Prohibits comptroller from rejecting an application for binding arbitration unless it provides a written notice to the property owner of any defect with the application and the property owner fails to remedy the defect on or before the 15th day after the date the comptroller delivers the notice.

Effective Date: Immediate

Senate Bill 1876

Relating to a request for binding arbitration to appeal appraisal review board orders involving two or more contiguous tracts of land.

Amends Tax Code Section 41A.03(a-1)

Author: Fallon Sponsor: Krause

Defines “contiguous tracts of land” to mean “improved or unimproved tracts of land that are touching or that share a common boundary, as determined using appraisal district records or legal descriptions of the tracts” in cases where the property owner requests binding arbitration to appeal appraisal review board orders involving two or more “contiguous tracts of land” where such term was not previously defined.

Effective Date: Immediate

House Bill 380

Relating to the authority of a district court to hear and determine certain ad valorem tax appeals.

Amends Tax Code, Section 42.01; adds Tax Code Section 42.231

Author: Geren Sponsor: Hancock

Clarifies property owner’s right to appeal certain orders of the appraisal review board. Provides that a district court may remand certain actions to appraisal review board if property owner has

not exhausted administrative remedies prior to filing suit. Provides that the appraisal review board and property owner may agree to waive remand of an action and allow determination of appeal by district court. Establishes jurisdiction of district court over property owner appeal of certain orders of the appraisal review board.

Effective Date: September 1, 2019

Title 3. Local Taxation

House Bill 3143

Relating to the Property Redevelopment and Tax Abatement Act.

Amends Tax Code, Sections 312.002, 312.005, 312.006, and 312.007; adds Tax Code, Section 312.404

Author: Murphy Sponsor: West

Extends the Property Redevelopment and Tax Abatement Act to 2019, with changes. Adds requirements before a taxing unit adopts, renews or changes guidelines and criteria for a tax abatement agreement, including 30-day public notice, public hearing and website posting. Requires a county tax abatement agreement or reinvestment zone to be approved by “a majority of the members of the governing body” of the taxing unit “at a regularly scheduled meeting.” Requires a chief appraiser to report appraised value of property subject to a tax abatement agreement for three years after the agreement expires.

Effective Date: September 1, 2019

TRANSPORTATION CODE

Title 6. Roadways

Senate Bill 1512

Relating to payment of costs related to the relocation of certain political subdivision utility facilities for state highway projects.

Amends Transportation Code, Section 203.092

Author: Flores Sponsor: Martinez

Allows TxDOT to cover costs of relocating utility facilities for highway improvements if the owner or operator is a political subdivision meeting certain hardship criteria. Contains other provisions, including total payment limit of \$10 million per fiscal year.

Effective Date: Immediate

[House Bill 1542](#)

Relating to changes made by certain design-build contractors to the design-build team for transportation projects.

Adds Transportation Code, Sections 223.2475 and 370.4075

Author: Martinez Sponsor: Hinojosa

Restricts changes to members of a design-build team identified in a response to a request for proposals for some design-build contracts. Contains related provisions.

Effective Date: September 1, 2019

[House Bill 3714](#)

Relating to the establishment of street lights along county roads in the unincorporated area of certain counties.

Amends Transportation Code, Section 280.003

Author: Parker Sponsor: Nelson
Authorizes certain urban counties to order installation, operation and maintenance of street lights in unincorporated areas and impose fees on landowners “who benefit from the street lights.” Applies to counties with populations over: (i) 3.3 million (e.g., Harris), or (ii) 650,000, if adjacent to two counties with 1.8 million or more (e.g., Denton). Retains existing authority of counties within 150 miles of an international border. Contains restrictions and other provisions.

Effective Date: September 1, 2019

[House Bill 71](#)

Relating to the creation of regional transit authorities; granting the power of eminent domain; providing authority to issue bonds and charge fees; creating a criminal offense.

Adds Transportation Code, Chapter 463; Amends Transportation Code, Section 174.051

Author: Martinez Sponsor: Lucio

Authorizes creation of a regional transit authority in the Lower Rio Grande Valley (Cameron County and adjoining counties). Details rights, powers and obligations of an authority, including eminent domain subject to restrictions. Includes provisions for user fees on international bridges and acquisition, sale and rental of property in a “station or terminal complex,” subject to restrictions. Forbids overlapping commuter rail districts. Contains many other provisions.

Effective Date: Immediate

[House Bill 2899](#)

Relating to civil liability and responsibility for defects in the plans, specifications, or other documents for the construction or repair of roads, highways, and related improvements.

Adds Transportation Code, Chapter 473

Author: Leach Sponsor: Hinojosa

Limits liability of certain road and highway contractors for defects in project specifications or related negligence of certain government entities (or third parties acting on their behalf). Voids contract provisions to the contrary. Limits the standard of care that certain governmental entities may require in contracts for engineering or architectural services. Contains related provisions.

Effective Date: Immediate

[Senate Bill 357](#)

Relating to outdoor advertising signs regulated by the Texas Department of Transportation.

Amends Transportation Code, Section 391.038; Adds Transportation Code, 391.0381

Author: Nichols Sponsor: Canales

For signs near “interstate or primary” highways, sets a general 60-foot height limit

(up from 42.5-feet) but allows a sign “existing on March 1, 2017 that was erected before that date” to be up to 85 feet high (with provisions for rebuilding). Does not apply to signs regulated by a municipality “certified for local control” by TxDOT. Allows denial of permits to a person with 100 or more signs who is in violation of size limitations or permit procedures. Contains other provisions. Overrides controversial TxDOT rules adopted after 2016 litigation and 2017 legislation; see *Texas Register*, Vol. 43, No. 10, pp. 1329-1530 (March 9, 2018).

Effective Date: September 1, 2019

House Bill 799

Relating to liability for certain damage caused by vehicles exceeding maximum height limitations; creating a criminal offense.

Amends Transportation Code, Sections 621.207(c), 621.504, 623.148(b) and 623.198(b)

Author: Landgraf Sponsor: Nichols

Toughens criminal and civil liabilities for damaging a bridge, underpass, or similar structure by operating a motor vehicle with a height greater than the vertical height clearance. Contains related provisions.

Effective Date: September 1, 2019

UTILITIES CODE

Title 2. Public Utility Regulatory Act

Senate Bill 1358

Relating to procedures for imposing certain administrative penalties or disgorgement orders by the Public Utility Commission of Texas.

Amends Utilities Code, Sections 15.024(b), (e), and (f); Adds Utilities Code, Section 15.024(b-1)

Author: Hancock Sponsor:
Parker

Alters the procedures and parties involved in assessing certain administrative penalties and disgorgement orders. Changes required notice provided to a person being penalized to allow

notice by regular, as well as by certified mail. Grants the PUC the discretion to either impose the recommended penalty, or order a hearing on the determination and penalty, if the penalized person accepts the recommended penalty or fails to timely respond to the notice.

Effective Date: September 1, 2019

House Bill 2320

Relating to the services provided during and following a disaster.

Adds Sections 418.054, 418.055, and 418.056 to Subchapter C, Chapter 418, Government Code; Adds Section 17.010 to Subchapter A, Chapter 17, Utilities Code

Author: Paul Sponsor: Taylor

Instructs the Texas Division of Emergency Management (“TDEM”) and other appropriate entities chosen by TDEM to include private wireless communication, Internet, and cable service providers in the disaster planning process, including determination of the availability of the providers’ portable satellite communications equipment and mobile telephone towers for response and recovery post-disasters. Requires determination of methods for reducing impacts and risks on utility facilities and “critical infrastructures”, such as hospitals and fire stations, during a disaster and encouraging public and private entities to implement such methods. Requires TDEM to collaborate with the Texas Department of Licensing and Regulation and any other necessary state agency, local government, trade association, and law enforcement group to submit a report to members of the legislature by November 1, 2020 on improving oversight, accountability, and availability of building trade services following disasters, including strategies increasing availability of trade services offered, prosecution of alleged fraud relating to building trade services, and performance of performance bond requirements in building trade services contracts. Requires the Public Utility Commission of Texas, in collaboration with TDEM, to promote public awareness of bill payment assistance and consumer rights

related to electric, water, and wastewater billing practices during a disaster.

Effective Date: September 1, 2019

House Bill 4150

Relating to safety and inspection requirements for certain utilities that provide electricity.

Adds Section 35.010 to Subchapter A, Chapter 35, Utilities Code; Adds Section 36.066 to Subchapter B, Chapter 36, Utilities Code; Amends Section 38.004, Utilities Code; Adds Section 38.102 to Subchapter E, Chapter 38, Utilities Code

Author: Paddie Sponsor: Hughes

Provides that costs incurred by a municipally owned utility, electric cooperative, or electric utility related to reporting on safety processes and inspections shall be recorded as regulatory asset for timely recovery in rates. Requires an electric utility, municipally owned utility, or electric cooperative to comply with Rule 232 of the National Electrical Safety Standard Code Standard ANSI(c)(2) minimum clearance requirements for transmission or distribution lines over certain identified lakes. Institutes safety processes, reporting requirements, and inspection programs for each electric utility, municipally owned utility, or electric cooperative owning or operating overhead transmission or distribution assets Excludes reports from admissibility in a civil or criminal proceedings against an electric utility, municipally owned utility, or electric cooperative, but subjects the electric utility, municipally owned utility, or electric cooperative to possible enforcement actions by the Public Utility Commission of Texas.

Effective Date: September 1, 2019

Senate Bill 936

Relating to a cybersecurity monitor for certain electric utilities.

Adds Utilities Code, Sections 36.213 and 39.1516; Amends Utilities Code, Sections 39.002, 39.402(a), 39.452(d), 39.502(b), 39.552(b), 40.001(b), 40.004, and 41.004

Author: Hancock Sponsor: Hernandez

Orders the PUC and the independent organization certified under Utilities Code Section 39.151 to contract with a cybersecurity monitoring entity, selected by and to be overseen by the PUC, to manage a comprehensive cybersecurity outreach program for monitored utilities, including researching, developing, reviewing, and meeting with monitored utilities on best practices, emerging threats, and cybersecurity training.

Effective Date: September 1, 2019

Senate Bill 1938

Relating to certificates of convenience and necessity for the construction of facilities for the transmission of electricity.

Amends Utilities Code, Sections 37.051(a), 37.053(a), 37.055, 37.057, 37.151, and 37.154(a); Adds Utilities Code, Sections 37.056(e), (f), (g), (h), and (i); Repeals Utilities Code, Sections 37.051(d), (e), and (f)

Author: Hancock Sponsor: Phelan

Amends the process of obtaining and using a required certificate from the PUC evidencing the public necessity of services prior to an electric utility providing services to the public under a franchise or permit. Dictates to whom a certificate to build, own, or operate a new transmission facility will be issued and authorized, including, when one entity may be substituted for another entity. Details to whom an electric utility or municipally owned utility may sell, assign, or lease a certificate or right obtained under a certificate.

Effective Date: Immediate

House Bill 3867

Relating to the authority of the Public Utility Commission of Texas to retain assistance for regional proceedings affecting certain electric utilities and consumers.

Adds Section 39.004 to Subchapter A, Chapter 39, Utilities Code

Author: Springer Sponsor: Perry

Grants the Public Utility Commission of Texas the right to retain a consultant, accountant, auditor, engineer, or attorney for a proceeding before a regional transmission organization or a court reviewing the proceedings of a regional transmission organization.

Effective Date: September 1, 2019

[Senate Bill 1497](#)

Relating to the registration and regulation of brokers by the Public Utility Commission of Texas.

Adds Utilities Code, Section 39.3555

Author: Zaffirini Sponsor: Parker

Prohibits a person from providing brokerage services in Texas, including online, for compensation or consideration without registering with the PUC as a broker. Defines “brokerage services” as supplying advice or procurement services to, or acting on behalf of, a retail electric customer for selection of a retail electric provider or product or service offered by retail electric provider. Bans retail electric providers from registering as a broker or knowingly providing bids or offers to an unregistered person offering brokerage services in Texas for compensation or consideration. Tasks registered brokers with complying with customer protection provisions, disclosure requirements, and marketing guidelines established by the PUC and Chapters 39 and 17 of the Utilities Code.

Effective Date: September 1, 2019

[House Bill 853](#)

Relating to the deployment of advanced metering and meter information networks in certain areas outside of ERCOT.

Adds Section 39.5521 to Subchapter L, Chapter 39, Utilities Code

Author: Moody Sponsor: Rodriguez

Allows an electric utility using advanced metering and meter information networks to

recover reasonable and necessary costs pertaining to deployment of such advanced metering and meter information networks. Subjects electric utilities using such advanced metering and meter information networks to Public Utility Commission of Texas (“PUC”) rules under Utilities Code Sections 39.107(h) and (k). Tasks the PUC with ensuring deployment plans and customer surcharges are consistent with PUC rules on customer protection, data security, privacy and ownership, and consumer rights to receive service through non-advanced metering.

Effective Date: Immediate

[Senate Bill 475](#)

Relating to advisory body on the security of the electric grid.

Adds Utilities Code Section 39.917

Author: Hancock Sponsor: Hernandez

Establishes and empowers the Texas Electric Grid Security Council to mitigate the risk of cyber and physical attacks that may affect the reliability of electric systems. The Council is comprised of the Commissioner of the PUC, the Chief Executive Officer of the independent organization certified under the Utilities Code Section 39.151, and the Governor (or their representatives) to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electrical industry. Permits the Council to prepare a report detailing its electric grid security response efforts not involving classified, sensitive, or company-specific information to be presented to the governor, lieutenant governor, and legislature. Exempts the Council from the open government and publicly available information requirements of the Government Code Chapters 551 and 552.

Effective Date: Immediate

Title 3. Gas Regulation

[House Bill 864](#)

Relating to pipeline incidents; clarifying changes to related administrative penalties.

Amends Sections 121.206(a) and (d), Utilities Code; Adds Section 121.214, to Subchapter E, Chapter 121, Utilities Code

Author: Anchia Sponsor: Birdwell

Directs the Railroad Commission of Texas (“RRC”) by rule to require a “distribution gas pipeline facility” operator to notify the RRC within one (1) hour of a “pipeline incident” to provide the (a) pipeline operator’s name and telephone number, (b) location of the incident, (c) time of the incident, (d) telephone number of the operator’s onsite person, and (e) if known to the operator the (i) fatalities and personal injuries caused by the incident (ii) cost of gas lost (iii) estimated property damage to operator and others (iv) any other relevant significant facts including those related to ignition, explosion, rerouting of traffic, evacuation of a building, and media interest, and (v) information required under federal regulations to be supplied to the Pipeline and Hazardous Materials Safety Administration or successor agency after pipeline or similar incident. Instructs the RRC to adopt rules required by the new Section 121.214 by December 31, 2019 and to retain state records regarding pipeline incidents perpetually.

Effective Date: September 1, 2019

House Bill 866

Relating to the installation, removal, and replacement of certain gas pipelines; clarifying changes to related administrative penalties.

Amends Sections 121.206(a) and (d), Utilities Code; Adds Section 121.213 to Subchapter E, Chapter 121, Utilities Code

Author: Anchia Sponsor: Birdwell

Prohibits the use of cast iron, wrought iron, or bare steel pipeline as part of a distribution gas pipeline facility operator’s underground system and dictates that any known cast iron pipelines previously used in an underground system shall be replaced by December 31, 2021. Requires that the operator of a distribution gas pipeline develop and implement a risk-based program for removal or replacement of underground distribution gas pipeline facilities. Requires the annual removal or replacement of at least eight

percent (8%) of underground distribution gas pipeline facilities posing the greatest risk in the system as identified under the program.

Effective Date: Immediate

Title 4. Delivery of Utility Service

Senate Bill 14

Relating to broadband service or facilities provided by an electric cooperative.

Adds Section 181.048 to Subchapter C, Chapter 181, Utilities Code

Author: Nichols Sponsor: Kuempel

Allows an electric cooperative to use any property right owned, held, or used by the electric cooperative to provide broadband service. Grants an electric cooperative the right to construct, operate, and maintain fiber optic cables and other facilities for providing broadband service over, under, across, on, or along real property, personal property, rights-of-way, easements, licenses, and other property rights owned, held or used by the electric cooperative. Requires terms, conditions, and monetary rates for attaching the broadband facilities to the electric cooperative’s poles to be just and reasonable and not less or incomparable to what the electric cooperative charges or uses with other broadband service providers. Requires the electric cooperative to provide at least 60 days prior written notice its intent to use an easement or property right for broadband service, including whether any new fiber optic cables used for broadband will be installed above or below ground, to the last known address for all owners of the property listed on the current property tax roll(s) before starting construction for broadband services on such easement or property right unless the easement or property right includes an authorization for broadband services or similar communication service. Permits the property owner to send a written protest within 60 days from the date such notice is mailed.

Effective Date: Immediate

WATER CODE

Title 2. Water Administration

House Bill 1059

Relating to a biennial report on stormwater infrastructure in this state.

Adds Section 5.136 to Subchapter D, Chapter 5, Water Code

Author: Lucio III Sponsor: Rodriguez

Requires TCEQ, each state fiscal biennium, to appoint a 10-member Green Stormwater Infrastructure and Low Impact Development Report Group to provide a report listing certain entities using green stormwater infrastructure and low impact development practices and certain detailed information on such practices. Requires members of the report group to come from a list of entity types. Not later than the second year of the state fiscal biennium, the report is to be submitted to each member of the TCEQ, the governor, the lieutenant governor, speaker of the house, and each member of the legislature. TCEQ must appoint the first members in a manner so as to allow the first report to be submitted by January 1, 2021.

Effective Date: September 1, 2019

Senate Bill 1386

Relating to the authority of the Texas Water Development Board to consider certain financial matters in a closed meeting.

Adds Section 6.0601 to Subchapter C, Chapter 6, Water Code

Author: Watson Sponsor: Phelan

Allows the TWDB to consider and discuss financial matters related to an investment of TWDB's funds in a closed meeting. Any action or vote on a matter discussed in a closed meeting must be made in an open meeting conducted in compliance with state law.

Effective Date: September 1, 2019

Senate Bill 700

Relating to retail public utilities that provide water or sewer service.

Amends Water Code, Subdivisions (4-b) and (4-c) of Section 13.002, Subsection (d) of Section 13.041, Section 13.183(c), Section 13.187(a-1), Sections 13.1871(a), (b), and (d), Subsections (a) and (e) of Section 13.1872, Section 13.258(a), and Section 5.501(c); Adds Water Code, Subdivision (4-d) to Section 13.002, Subsections (h), (i), and (j) to Section 13.041, Subsection (d) to Section 13.046, Adds Section 13.18715 to Subchapter F, Chapter 13, Subsection (c-1) to Section 13.1872, and Section 13.1873 to Subchapter F, Chapter 13; Repeals Water Code, Section 13.1872(b)

Author: Nichols Sponsor: Geren

Redefines the number of taps or connections required to constitute a public utility for purposes of retail water rates and sewer utility services. Allows the PUC to issue emergency orders when necessary to ensure safe drinking water or environmental protection. Revises application rules related to a rate change or adjustment on public utilities regulated by the PUC.

Effective Date: September 1, 2019

Senate Bill 2272

Relating to the procedure for amending or revoking certificates of public convenience and necessity issued to certain water utilities.

Amends Sections 13.254 (a-2) and (d) of Chapter 13, Water Code; Adds Section 13.2541 to Subchapter G, Chapter 13, Water Code; Transfers Sections 13.254(a-5) and (a-6) to Section 13.2541 of the Water Code and redesignates them as Sections 13.241(b), (c), (d), (e), and (f), Water Code; Adds Subsections (g), (h), (i), and (j) to Section 13.2541, Water Code

Author: Nichols Sponsor: Metcalf

Outlines the process by which a landowner may initiate the expedited release of land from a certificate of public convenience and necessity or certificated service area.

Authorizes determination of compensation by independent appraiser with an award of compensation to the certificate holder upon release of land from the certificate of public convenience and necessity.

Effective Date: September 1, 2019

Senate Bill 7

Relating to flood planning, mitigation, and infrastructure projects.

Amends Water Code, Chapter 15, Section 15.405; Adds Water Code, Chapter 15, Subchapter I; amends Water Code, Chapter 49, Section 49.239; Adds Water Code, Chapter 16, Subchapter L; amends Insurance Code, Chapter 251, Section 251.004(b); Repeals Water Code, Chapter 16, Section 16.3161; Amends Water Code, Chapter 17, Sections 17.852 and 17.853

Author: Creighton Sponsor: Phelan

Omnibus bill creating the Flood Infrastructure Fund and the Texas Infrastructure Resiliency Fund. Defines both funds as a special fund in the state treasury outside of the general revenue fund. Appropriates \$3.26 billion from the Economic Stabilization Fund to create the Flood Infrastructure Fund. Authorizes the TWDB to use the infrastructure fund to provide financing for flood projects, defined as drainage, flood mitigation, or flood control projects, included in the state flood plan adopted by the TWDB. Outlines the application process for eligible political subdivisions to apply for financial assistance for a proposed flood project. Requires the TWDB to adopt rules related to the administration of the infrastructure fund. Creates the Texas Infrastructure Resiliency Fund, comprised of the floodplain management account, the hurricane Harvey account, the federal matching account, and, on the date that the state flood plan is adopted by the TWDB, the flood plan implementation account. Authorizes an advisory committee to adopt procedures as necessary to administer the fund, to review overall operation of the fund, and to make recommendations to the TWDB on any matter.

Effective Date: Immediate, with the exception of the creation of the Flood Infrastructure Fund, which will take effect on January 1, 2020, but

only if the constitutional amendment authorizing the fund is approved by voters

Senate Bill 942

Relating to the use of money in the state water pollution control revolving fund.

Amends Water Code, Chapter 15, Sections 15.601(a), 15.603(a), 15.604(a); amends Water Code, Chapter 17, Section 17.0821(c); Repeals Section 15.603(i)

Author: Johnson Sponsor: Metcalf

Provides the state's water pollution control revolving fund is to be used to provide financial assistance to persons (instead of political subdivisions) in accordance with projects eligible for assistance under the Federal Water Pollution Control Act.

Effective Date: September 1, 2019

Senate Bill 563

Relating to the reporting of information about the use of federal money for flood research, planning, and mitigation projects.

Adds Chapter 2061 to Subtitle B, Title 10, Government Code; Adds Section 16.025 to Subchapter B, Chapter 16, Water Code

Author: Perry Sponsor: Metcalf

Requires a state agency that uses or disburses federal money for flood research, flood planning, or flood mitigation projects to provide a quarterly report on the use of such funding to the TWDB. Requires the TWDB to maintain and publish the quarterly reports on the TWDB's website.

Effective Date: September 1, 2019

House Bill 807

Relating to the state and regional water planning process.

Adds Section 16.052 to Subchapter C, Chapter 16, Water Code; Amends Sections 16.053(e) and (i), Water Code

Author: Larson

Sponsor: Buckingham

Requires TWDB to appoint an interregional planning council, to improve coordination, facilitate dialogue regarding water management strategies, and share best practices, in each five-year planning cycle. Requires council to have 1 member from each of the 16 regional water planning groups and the initial council shall be appointed by September 1, 2020. Must hold at least one public meeting and prepare a report to the TWDB. Adds that each regional water planning group must identify in its regional water plan (i) unnecessary or counterproductive variations in specific drought response strategies, (ii) under certain circumstances, a specific assessment of the potential for aquifer storage and recovery projects, (iii) goals for gallons of water used per capita per day in each decade of the period covered for municipal water user groups, and (iv) the progress of the regional water planning area in encouraging cooperation between water user groups.

Effective Date: Immediate

Senate Bill 8

Relating to state and regional flood planning.

Adds Water Code, Chapter 16, Sections 16.061 and 16.062; adds Agriculture Code, Chapter 201, Subchapter B, Section 201.0227

Author: Perry

Sponsor: Larson

Requires the TWDB to prepare and adopt a comprehensive state flood plan that incorporates the regional flood plans before September 24, 2024. Requires the state flood plan to provide for flood preparation and response, to guide state and local flood control policy, and, if possible, to contribute to water development. Requires the TWDB, as part of the regional flood planning process, to designate flood planning regions, to provide technical and financial assistance to flood planning groups, and to adopt guidance principles for regional flood plans. Establishes the State Flood Plan Implementation Advisory Committee.

Effective Date: Immediate

House Bill 1052

Relating to the authority of the Texas Water Development Board to use the state participation account of the water development fund to provide financial assistance for the development of certain facilities.

Amends the heading of Section 16.131 and Section 16.131(a) and adds Section 16.131(c), Water Code; Adds Sections 16.145 and 16.146, Subchapter E, Chapter 16, Water Code; Amends Section 16.182, Water Code; Amends Subsections (b) and (c) and adds (c-1) to Section 17.957, Water Code

Author: Larson

Sponsor: Perry

Authorizes TWDB to use the state participation account of the development fund for interregional and regional development of projects. Requires not less than fifty percent (50%) of money used from the state participation account in any fiscal year be used for interregional water projects. Requires TWDB to identify, establish criteria for, and issue a request for proposal for water supply projects that benefit multiple water planning regions. Requires TWDB and TCEQ to enter into a memorandum of understanding for the expedited approval of permits for projects selected. Establishes state participation account II to provide financial assistance for the development of a desalination or aquifer storage and recovery facility and authorizes TWDB to act singly or in partnership with other public or private entities in acquiring such facility or an ownership interest in such facility. Prohibits TWDB from providing financial assistance for a facility, unless the facility is included in the state water plan.

Effective Date: September 1, 2019

Senate Bill 2452

Relating to the provision by the Texas Water Development Board of financial assistance for the development of certain projects in economically distressed areas.

Amends Section 17.922, Water Code; Adds Section 17.9226, Subchapter K, Chapter 17, Water Code; Amends Sections 17.927(b) and (c), Water Code; Adds Section 17.9275, Subchapter K, Chapter 17, Water Code; Amends Sections 17.928(c), 17.929(a), 17.931, 17.933(a), (b), (c), and (d), Water Code; Adds Section 17.937, Subchapter K, Chapter 17, Water Code; Repeals 17.933(b-1), Water Code

Author: Lucio Sponsor: Gonzalez

Authorizes the TWDB to use additional general obligation bonds authorized by the Texas Constitution, in conjunction with other sources of funding, to provide financial assistance for the development of water supply and sewer services in economically distressed areas. Requires the TWDB to establish a system for prioritizing projects for which financial assistance is sought.

Effective Date: If constitutional amendment providing for the issuance of additional obligation bonds is approved (S.J.R. 79) on November 5, 2019, this act will take effect on the same date on which the constitutional amendment takes effect.

House Bill 1066

Relating to extensions of an expired permit for the transfer of groundwater from a groundwater conservation district.

Adds Subsections (j-1), (j-2), (r), and (s) and amends Subsection (k) of Section 36.122, Water Code

Author: Ashby Sponsor: Perry

Requires a groundwater conservation district to extend a permit to transfer groundwater out of the district to align with the terms of the operating permit. Provides that such extended permit continues to be subject to conditions contained in the permit as issued before the extension. Provides the district must grant or

deny an application to extend only using rules that were in effect at the time the application was submitted. Applies only to permits issued under Sections 36.122(i) and (j), Water Code, that expire after September 1, 2019.

Effective Date: September 1, 2019

Title 4. General Law Districts

House Bill 2590

Relating to the administration, powers, and duties of water districts.

Amends Local Government Code, Section 42.042(b), (f), (g), and (h); Amends Water Code, Sections 49.107(d), 49.351(a), 54.022, 54.030, 54.032(a), 54.033(a), 54.234(a), 54.2351, 54.801(a), 54.802(b), 54.805, 54.806(a), 54.809, 54.812(b); Adds Water Code, Section 54.2351(i); Repeals Water Code, Sections 54.234(b), 54.803, 54.804(a), 54.807, and 54.808; Amends Special District Local Laws Code, Sections 6901.061(e), 8130.151(b), 8176.151(b), 8198.151(b), 8261.151(b), 8413.151(b), 8467.151(b)

Author: Biedermann Sponsor: Creighton

Requires certain ballot language for an operation and maintenance tax election. Provides residency qualifications of temporary directors of a MUD. Authorizes TCEQ to appoint temporary directors that do not meet the residency requirements if the petitioner made reasonable efforts, but failed to identify candidates meeting the requirements. Requires a conservation and reclamation district that desires to convert to a MUD to hold a hearing, with proper notice. Requires governing body of the converting district to disclose pending litigation at the hearing. Allows the governing body of a converting district to adopt a resolution stating conversion is in the best interest of the district. Requires an adopted resolution requesting conversion be filed with TCEQ and sent to each legislator in which the district is located. Requires TCEQ, after receiving a request for a conversion, to enter an order approving the conversion, if in the district's best interest. Authorizes a district to enter into a contract with a retail public utility for water or sewer service under which the

retail public utility may use the district's water or sewer system to serve customers in the district. Reduces the requirement of a district's acreage size to 1,000 acres to allow the district to define an area designated to pay for improvements, facilities or services that primarily benefit that area and not the district as a whole. Requires board to file an engineer's report for improvements in the defined area, rather than adopt a proposed plan for improvements in the defined area. Updates MUD language for notices to purchasers. Removes the provision, in a number of enabling laws creating specific MUDs, stating that a simple majority vote approval required under Section 54.808(a) of the Water Code does not apply.

Effective Date: September 1, 2019

Senate Bill 239

Relating to meetings for certain special purpose districts.

Amends Section 403.0241(c), Government Code; Amends Sections 49.062(b) and (c), Water Code; Adds Section 551.1283, Subchapter F, Chapter 551, Government Code; Adds Subsections (c-1), (e), (f), and (g) to Section 49.062, Water Code; Adds Section 49.0631, Subchapter C, Chapter 49, Water Code

Author: Nelson

Sponsor: Button

Amends the requirements under which the board of a water district must designate a meeting place and hold meetings within the district. Requires that on written request of at least five electors in a district of more than 50 qualified electors, the board shall designate a meeting place within the district. If no suitable meeting place exists, the board may designate a location no further than 10 miles from the boundary of the district. Provides a remedy if the board fails to designate a meeting place within the district or not further than 10 miles from the boundary of the district. Requires TCEQ to provide information on their website related to the meeting place designation process and how a resident may petition where the board meetings are held in their district. Requires process under which district must make an audio recording of a public hearing to consider the adoption of an ad

valorem tax rate. Requires a water district provide notification, with proscribed language, to customers regarding board meetings and website information.

Effective Date: September 1, 2019

END OF REPORT

COMMITTEE ROSTER

Real Estate Legislative Affairs Committee for the 86th Legislative Session

Chair:

Richard A. Crow

Schlanger, Silver, Barg & Paine, LLP
109 N. Post Oak Lane, Ste.300
Houston, Texas 77024
713/735-8545 Tel.

rcrow@ssbplaw.com

Vice Chair:

James L. Dougherty, Jr.

Attorney at Law
12 Greenway Plaza, Suite 1100
Houston, Texas 77046
713/880-8808 Tel.

jim@JLDJR.com

Legislative Counsel:

Sarah P. Senterfitt

Attorney at Law
2820 Water Bank Cove
Austin, Texas 78746
512/517-8626 Tel.

spsenterfitt@austin.rr.com

Vice Chair:

Samantha Dyal

Valero Companies
One Valero Way
San Antonio, Texas 78249-1616
210/345-2784 Tel.

samantha.dyal@valero.com

Vice Chair:

John H. "Jack" Miller, III

Irelan McDaniel, PLLC
2520 Caroline, 2nd Floor
Houston, Texas 77004
713/333-2942 Tel.

jmiller@imtexaslaw.com

Political Affairs Advisor:

Mark McPherson

McPherson Law Firm PLLC
325 N. St. Paul Street, Ste. 3100
Dallas, Texas 75201
214/722-7096 Tel.

mark@texasenvironmentallaw.com

MEMBERS

Claire M. Barber

Gregg & Valby, LLP
1700 West Loop South, Suite 200
Houston, Texas 77027
713/960-1377 Tel.

cbarber@gregg-valby.com

Stephen A. Cooney

Gray Reed & McGraw LLP
1300 Post Oak Blvd., Suite 2000
Houston, Texas 77056
713/986-7214 Tel.

scooney@grayreed.com

Lorin Williams Combs

Winstead PC
401 Congress Ave., Ste. 2100
Austin, Texas 78701
512/370-2851 Tel.

lcombs@winstead.com

Joseph Goddard

Gray Reed & McGraw LLP
1601 Elm Street, Ste. 4600
Dallas, TX 75201
469/320-6211 Tel.

jgoddard@grayreed.com

COMMITTEE ROSTER

Real Estate Legislative Affairs Committee for the 86th Legislative Session

Michael A. Jacobs

Attorney at Law
11 Greenway Plaza, Ste. 1515
Houston, Texas 77046
713/840-9700 Tel.
michaeljacobs@swbell.net

Lindsey Jandal Postula

Gray Reed & McGraw LLP
1300 Post Oak Blvd., Suite 2000
Houston, Texas 77056
713/986-7130 Tel.
lpostula@grayreed.com

Ashlee E. Ross

Program Director, Real Estate Services
MD Anderson Cancer Center
Unit 717, PO Box 301439
Houston, Texas 77230-1439
713/792-1086 Tel.
aeross@mdanderson.org

Katherine VanWagner

Frye & Benavidez PLLC
3315 Mercer St.
Houston, TX 77027
713/227-1717 x3308 Tel.
KVanWagner@liberatinglaw.com

Brenda A. Hard-Wilson

Locke Lord LLP
2200 Ross Avenue, Ste. 2800
Dallas, TX 75201
214/740-8462 Tel.
Brenda.hard-wilson@lockelord.com

Thomas M. Misteli

Law Office of Thomas M. Misteli, PC
PO Box 180836
Dallas, Texas 75218-0836
972/922-1014 Tel.
tom@mistelilaw.com

Cole Robinson

Gray Reed & McGraw LLP
1601 Elm Street, Ste. 4600
Dallas, TX 75201
469/320-6121 Tel.
crobenson@grayreed.com

Jack P. Turnao III

Andrews Myers
1885 Saint James Place, 15th Floor
Houston, TX 77056
713/850-4253 Tel.
jturano@andrewsmyers.com

James Wiedemer

Attorney at Law
3730 Kirby Dr. Suite 600
Houston, Texas 77098
713/664-5008 Tel.
jiwiedemer@aol.com