



Dateline Austin Legislative Update: March 8, 2017

By TLTA Staff
March 8, 2017

Bill Filing Deadline Friday, March 10

The deadline for filing bills for the 85th Session of the Texas Legislature is this Friday, March 10. TLTA is monitoring this very closely to see what bills of interest or concern are filed this week, including any possible additional proposals regarding our regulatory system. We will release news about any relevant bills once they are filed.

Updated: Bills TLTA Is Following This Session

The number of bills TLTA is actively tracking has increased to 57. Check out the new updated list. The new bills and topics are in italics.

- Title insurance regulations
- *Adverse possession*
- Eminent domain
- Partition of real estate
- Powers of attorney
- Real estate transactions
- Mineral interests
- Foreclosure
- Access to public records
- Privacy issues
- Franchise tax
- Tax issues
- Electronic filing
- POA/HOA
- Remote e-notary
- Sales price disclosure

- *TDI*
- *Estates/Wills*
- *Builder conduct*
- *Mechanic's and materialman's liens*

Title Insurance Regulations

- [SB 372](#), by Sen. Bob Hall: Reregulates title insurance structure to file and use system

Adverse Possession

- [SB 1249](#), by Sen. Royce West: *Adverse possession against co-tenants*

Eminent Domain

- [HJR 40](#), by Rep. Mike Schofield: Constitutional amendment providing mechanism for property owners or their heirs to re-purchase property taken under eminent domain under certain circumstances
- [SB 626](#), [627](#) and [628](#), by Sens. Charles Schwertner et.al.: These three bills are primarily related to eminent domain proceedings but could have an ancillary effect on real property
- [HB 2076](#), by Rep. Leighton Schubert: Short bill amending definition of "actual progress" on eminent domain proceedings (SB 628 is companion bill by Sen. Schwertner)
- [SB 741](#) and [742](#), both by Sen. Lois Kolkhorst: Bills relating to eminent domain offers and compensation

Partition of Real Estate

- [SB 499](#), by Sen. Royce West: Relating to adoption of Uniform Partition of Heirs Property Act
- [HB 1358](#), by Rep. John Wray: Relating to adopting the Uniform Partition of Heirs Property Act; also filed by Sen. Royce West ([SB 499](#))

Powers of Attorney

- [HB 1974](#), by Rep. John Wray and [SB 926](#), by Sen. José Rodriguez: Companion bills; 51 pages basically amending the durable statutory power of attorney

Real Estate Transactions

- [HB 797](#), by Rep. Ina Minjarez: Amends Local Govt. Code 397; regards information being disclosed on real property being sold near military bases
- [HB 804](#), by Rep. Tony Dale: Tax code; requires owner of real property to send notice to a lessee who is required to pay property taxes; allows 30 extra days to file protest in certain circumstances
- [HB 1053](#), by Rep. Morgan Meyer: Statute of repose for claims involving real property
- [HB 1128](#), by Rep. John Wray: Provides alternate dates for sale of property under contract liens (holidays)
- [HB 1354](#), by Rep. John Wray: Relates to trusts; also filed by Sen. José Rodriguez ([SB 617](#))
- [HB 1386](#), by Rep. Ryan Guillen: Regarding timing of earnest money contracts relative to subdivision plat being filed
- [SB 692](#), by Sen. José Rodriguez: Regarding county regulation in platted subdivisions that have gone undeveloped for 25 years or more (bracketed bill for El Paso)
- [HB 1352](#), by Reps. Joe Pickett and Lina Ortega: Narrow bill regarding transfer of real property from municipality for economic development; [SB 438](#) by Sen. José Rodriguez is identical
- [HB 2832](#), by Rep. René Oliveira: *Notice by property owner to mortgage service provider of contract with property tax lender*
- [HB 2842](#), by Rep. Dustin Burrows: *Relating to rule against perpetuities*

Mineral Interests

- [SB 682](#), by Sen. Judith Zaffirini and [HB 2539](#), by Rep. Richard Raymond: Bracket bill governing mineral interest in subdivided land

Foreclosure

- [HB 1470](#), by Rep. Jason Villalba: Makes substantial changes to current foreclosure practice for residential real property

Access to Public Records

- [HB 526](#), by Rep. Mike Schofield: Amends public information request laws to provide requestor to reside in Texas; public information may also be denied to out of state residents
- [HB 547](#), by Reps. Joe Deshotel and Ina Minjarez: Amends health and safety code and family code in regards to seeking birth records of adopted person
- [HB 1258](#), by Reps. Travis Clardy, Four Price, Senfronia Thompson, Alfonso “Poncho” Nevárez and Justin Holland: This bill restricts public access to court documents (as written, only now applies to court documents, which hinders title professionals from

looking at divorce, probate and land disputes; but may possibly extend to public real property records)

- [HB 2710](#), by Rep. Todd Hunter: Availability of birthdates under Public Information Law

Privacy Issues

- [HB 457](#), by Reps. Justin Holland, John Wray, Jim Murphy, Eddie Lucio III and James White: Adds spouse/surviving spouse and adult child of peace officers to tax code section exempting/providing confidentiality of home address information on tax appraisal records
- [HB 760](#), by Rep. John Raney: Makes the date of birth of a living person not confidential under Government Code Section 552.157
- [SB 256](#), by Sen. Van Taylor: Adds family violence/sexual assault victims to tax code section exempting/providing confidentiality of home address information on tax appraisal records; also amends Code of Criminal Procedure to protect victims

Franchise Tax

- [SB 72](#), by Sen. Jane Nelson: Reduces and eventually eliminates the franchise tax (HB 388 and HB 599 are similar)
- [SB 112](#), by Sen. Don Huffines: Similar bill to SB 72
- [SB 178](#), by Sen. Craig Estes: Eliminates the franchise tax
- [HB 388](#), by Rep. Jim Murphy: Reduces and eventually eliminates the franchise tax (similar to SB 72)
- [HB 599](#), by Reps. Mike Schofield and Jim Murphy: Reduces and eventually eliminates the franchise tax
- [HB 1052](#), by Rep. Leighton Schubert: Repeal of franchise tax
- [HB 1095](#), by Rep. Matt Shaheen: Repeal of franchise tax
- [HB 1196](#), by Rep. Angie Chen Button: Repeal of franchise tax
- [HB 1613](#), by Reps. Drew Springer and James Frank and [HB 1614](#), by Rep. Tan Parker: Both relate to the franchise tax
- [HB 2250](#), by Rep. Drew Darby: Relates to the franchise tax

Tax Issues

- [HB 1325](#), by Rep. Alfonso "Poncho" Nevárez: Eliminates the sales and use tax for surveying real property
- [HB 1634](#), by Rep. Greg Bonnen: Allows a taxing entity to forgive penalties and interests on real property taxes under detailed circumstances if there is a mortgage on the property

Electronic Filing

- [HB 1058](#), by Reps. Justin Holland, Scott Sanford, Tan Parker and Stan Lambert: Prohibiting sale of court records filed through the statewide electronic filing system

POA/HOA

- [HB 1341](#), by Rep. Sergio Muñoz, Jr.: Relates to inner workings of property owners' associations; as drafted, not concerning, but has a very broad caption

Remote E-Notary

- [HB 1217](#), by Rep. Tan Parker: Sets up requirements for electronic notary public by giving rule making authority to Secretary of State (e.g., qualifications, performance of notarial acts, record keeping, online notarization requirements, fees, termination and certain criminal penalties)

Sales Price Disclosure

- [HB 379](#), by Rep. Diego Bernal: Requires mandatory sales price disclosure on real property transactions with mineral interest deeds exempted; bill provides for 5 percent penalty for non-compliance

Texas Department of Insurance

- [HB 2153](#), by Rep. Yvonne Davis: Sets eligibility for TDI commissioner
- [HB 2367](#), by Rep. Yvonne Davis: Sets up elected State Board of Insurance with three members

Estates/Wills

- [HB 2271](#), by Rep. John Wray and [SB 1017](#), by Sen. José Rodriguez: Deals with a decedent's estate and posthumous gifts
- [SB 1056](#), by Sen. Charles Perry: Deals with probate venue

Builder Conduct

- [HB 2385](#), by Rep. Jeff Leach: Regarding benefits offered by builders of new residents

Mechanic's and Materialman's Liens

- [HB 2668](#), by Rep. John Wray: *Relating to retained funds under mechanic and materialman's liens*

Past Legislative Updates

- [March 1, 2017](#)
- [Feb. 22, 2017](#)
- [Feb. 15, 2017](#)
- [Feb. 8, 2017](#)
- [Feb. 1, 2017](#)
- [Jan. 25, 2017](#)
- [Jan. 10, 2017](#)