



Dateline Austin Legislative Update: Feb. 22, 2017

By TLTA Staff
Feb. 22, 2017

This week, TLTA lists the bills they're following this session and updates members on a remote e-notary bill that has been filed.

Bills TLTA Is Following This Session

It's less than two months into the legislative session, and more than 3,000 bills have already been filed. Lawmakers have until March 10 to file proposed legislation so that number will continue to grow. Out of those more than 3,000 bills, TLTA is currently actively following 44 bills on topics including:

- Title insurance regulations
- 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

Below is a list of the bills we are actively following, a brief description and links so you can track them as well. Throughout the session, we will continue to update the status of these bills and add new ones we are tracking so you can stay informed and follow the progress of these proposed new laws that would affect your business:

Title Insurance Regulations

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

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. West (SB 499)

Powers of Attorney

- [HB 1974](#), by Sen. John Wray and [SB 926](#), by Sen. Eddie 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. 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. Eddie 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. Rodriguez is identical

Mineral Interests

- [SB 682](#), by Sen. Judith Zaffirini: 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)

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 Sens. Drew Springer and James Frank and [HB 1614](#), by Sen. Carl Parker: Both relate 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 Sen. 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

Remote E-Notary Bill Filed in Texas – TLTA Working With Stakeholders

Rep. Tan Parker, Chairman of the Investment and Financial Services Committee, has filed [HB 1217](#), a bill establishing the framework for remote e-notarization in Texas. The Texas Mortgage Bankers Association is championing this bill and working closely with the notary industry, the Secretary of State's office and the title industry to craft a bill that will address the concerns of all the stakeholders. There will be subsequent revisions to the filed bill incorporating this feedback.

TMBA is also working with ALTA to take into account the feedback from the national title insurance industry, in addition to TLTA members. ALTA recently [sent a letter](#) to the National Association of Secretaries of State offering support of efforts to promote the understanding of remote electronic notarizations. The organization has also formed a work group establishing principles for legislation creating remote e-notary procedures. Additionally, the ALTA work group is currently focusing on HB 1217 as a potential model bill for the nation.

Virginia and Montana have recently enacted remote e-notarization laws that have been met with concern by the national title industry. Additionally, in many state legislatures around the country, bills have been filed to create a remote e-notary option. The goal of the current stakeholders is to craft a bill that can serve as a national model and address some of the problems identified with the new statutes in other states.

In addition, Dateline Austin published [a story](#) on Jan. 19 (second story down) about e-notaries and Texas, referencing Quicken's recent push for e-notarization.

Past Legislative Updates

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