

1-1 By: Callegari (Senate Sponsor - Hegar) H.B. No. 4043
1-2 (In the Senate - Received from the House May 5, 2009;
1-3 May 6, 2009, read first time and referred to Committee on Natural
1-4 Resources; May 12, 2009, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 12, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to notifications to certain purchasers of real property
1-9 that may be located in an area subject to a certificate of
1-10 convenience and necessity for water or sewer service.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 13.257(c), Water Code, is amended to
1-13 read as follows:

1-14 (c) This section does not apply to:

1-15 (1) a transfer of title under any type of lien
1-16 foreclosure;

1-17 (2) a transfer of title by deed in cancellation of
1-18 indebtedness secured by a lien on the property conveyed;

1-19 (3) a transfer of title by reason of a will or probate
1-20 proceeding;

1-21 (4) a transfer of title to or from a governmental
1-22 entity;

1-23 (5) a transfer of title to property located within the
1-24 corporate limits of a municipality that is served by a municipally
1-25 owned utility;

1-26 (6) a transfer of title to property that receives
1-27 water or sewer service from a utility service provider on the date
1-28 the property is transferred;

1-29 (7) a transfer of title by a trustee in bankruptcy;

1-30 (8) a transfer of title by a mortgagee or beneficiary
1-31 under a deed of trust who acquired the property:

1-32 (A) at a sale conducted under a power of sale
1-33 conferred by a deed of trust or other contract lien;

1-34 (B) at a sale under a court judgment foreclosing
1-35 a lien; or

1-36 (C) by a deed in lieu of foreclosure;

1-37 (9) a transfer of title from one co-owner to another
1-38 co-owner;

1-39 (10) a transfer of title between spouses or to a person
1-40 in the lineal line of consanguinity of the transferor; or

1-41 (11) a transfer of a mineral interest, leasehold
1-42 interest, or security interest.

1-43 SECTION 2. The change in law made by this Act applies only
1-44 to a proposal to sell or convey real property made on or after the
1-45 effective date of this Act. A proposal to sell or convey real
1-46 property made before the effective date of this Act is covered by
1-47 the law in effect when the proposal was made, and the former law is
1-48 continued in effect for that purpose.

1-49 SECTION 3. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2009.

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