

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Davis of Dallas

H.B. No. 1382

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to assessment of certain charges by a commercial landlord  
3 that is a governmental entity.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 93.012, Property Code, is amended by  
6 adding Subsection (c) to read as follows:

7 (c) This section does not affect the contractual right of a  
8 landlord that is a governmental entity to assess charges under a  
9 lease to fully compensate the governmental entity for the  
10 governmental entity's operating costs.

11 SECTION 2. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2009.

**ADOPTED**

MAY 05 2009

*Antony Spaw*  
Secretary of the Senate

By: Yvonne Davis Chris Harris H.B. No. 1382

Substitute the following for H.B. No. 1382:

By: *Elly* C.S. H.B. No. 1382

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to assessment of certain charges by a commercial  
3 landlord that is a governmental entity.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 93.012, Property Code, is amended by  
6 adding Subsection (c) to read as follows:

7 (c) This section does not affect the contractual right of  
8 a landlord that is a governmental entity created under  
9 Subchapter D, Chapter 22, Transportation Code, whose constituent  
10 municipalities are populous home rule municipalities to assess  
11 charges under a lease to fully compensate the governmental  
12 entity for the governmental entity's operating costs.

13 SECTION 2. This Act takes effect immediately if it  
14 receives a vote of two-thirds of all the members elected to each  
15 house, as provided by Section 39, Article III, Texas  
16 Constitution. If this Act does not receive the vote necessary  
17 for immediate effect, this Act takes effect September 1, 2009.

1  
2

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 5, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB1382** by Davis, Yvonne (Relating to assessment of certain charges by a commercial landlord that is a governmental entity.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

The bill would amend the Property Code to state that a landlord that is a governmental entity created under Subchapter D, Chapter 22, Transportation Code, whose constituent municipalities are populous home rule municipalities, has the contractual right to assess charges under a lease to fully compensate the governmental entity for the governmental entity's operating costs.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, SD, JRO, DEH

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 24, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1382** by Davis, Yvonne (Relating to assessment of certain charges by a commercial landlord that is a governmental entity. ), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Property Code to state that a landlord that is a governmental entity created under Subchapter D, Chapter 22, Transportation Code, whose constituent municipalities are populous home rule municipalities, has the contractual right to assess charges under a lease to fully compensate the governmental entity for the governmental entity's operating costs.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JOB, JRO, DEH



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 15, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1382** by Davis, Yvonne (Relating to assessment of certain charges by a commercial landlord that is a governmental entity.), **As Engrossed**

**No fiscal implication to the State is anticipated.**

The bill would amend the Property Code to state that a landlord that is a governmental entity has a contractual right to assess charges under a lease to fully compensate the governmental entity for the governmental entity's operating costs.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 303 Facilities Commission

**LBB Staff:** JOB, JRO, MS, DEH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 23, 2009**

**TO:** Honorable Joe Deshotel, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1382** by Davis, Yvonne (relating to assessment of certain charges by a commercial landlord that is a governmental entity.), **Committee Report 1st House, Substituted**

**No fiscal implication to the State is anticipated.**

The bill would amend the Property Code to state that a landlord that is a governmental entity has a contractual right to assess charges under a lease to fully compensate the governmental entity for the governmental entity's operating costs.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 303 Facilities Commission

**LBB Staff:** JOB, JRO, MS, DEH

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 16, 2009**

**TO:** Honorable Joe Deshotel, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB1382** by Davis, Yvonne (Relating to assessment of certain charges by a commercial landlord that is a governmental entity.), **As Introduced**

**No fiscal implication to the State is anticipated.**

The bill would amend the Property Code to state that a landlord that is a governmental entity has a contractual right to vary charges under a lease to fully compensate the governmental entity for the governmental entity's operating costs.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 303 Facilities Commission

**LBB Staff:** JOB, JRO, MS, DEH