

1-1 By: Bonnen of Brazoria, et al. H.B. No. 1665
1-2 (Senate Sponsor - Kolthorst)
1-3 (In the Senate - Received from the House April 27, 2015;
1-4 May 6, 2015, read first time and referred to Committee on
1-5 Agriculture, Water, and Rural Affairs; May 19, 2015, reported
1-6 favorably by the following vote: Yeas 6, Nays 0; May 19, 2015, sent
1-7 to printer.)

1-8 COMMITTEE VOTE

| 1-9 | | Yea | Nay | Absent | PNV |
|------|-----------|-----|-----|--------|-----|
| 1-10 | Perry | X | | | |
| 1-11 | Zaffirini | X | | | |
| 1-12 | Creighton | X | | | |
| 1-13 | Hall | | | X | |
| 1-14 | Hinojosa | X | | | |
| 1-15 | Kolthorst | X | | | |
| 1-16 | Rodríguez | X | | | |

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to notice of water level fluctuations to purchasers of
1-20 real property adjoining an impoundment of water.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter A, Chapter 5, Property Code, is
1-23 amended by adding Section 5.019 to read as follows:

1-24 Sec. 5.019. NOTICE OF WATER LEVEL FLUCTUATIONS. (a) This
1-25 section applies only to the sale of residential or commercial real
1-26 property adjoining an impoundment of water, including a reservoir
1-27 or lake, constructed and maintained under Chapter 11, Water Code,
1-28 that has a storage capacity of at least 5,000 acre-feet at the
1-29 impoundment's normal operating level.

1-30 (b) A seller of real property shall give to the purchaser of
1-31 the property a written notice in substantially the following form:

1-32 NOTICE OF WATER LEVEL FLUCTUATIONS

1-33 The water level of the impoundment of water adjoining the
1-34 property at _____ (street address and city) or described
1-35 as _____ (legal description) fluctuates for various
1-36 reasons, including as a result of:

1-37 (1) an entity lawfully exercising its right to use the
1-38 water stored in the impoundment; or

1-39 (2) drought or flood conditions.

1-40 (c) The notice described by Subsection (b) shall be
1-41 delivered by the seller to the purchaser on or before the effective
1-42 date of an executory contract binding the purchaser to purchase the
1-43 property.

1-44 (d) If a contract is entered into without the seller
1-45 providing the notice within the period required by Subsection (c),
1-46 the purchaser may terminate the contract for any reason within
1-47 seven days after the date the purchaser receives:

1-48 (1) the notice described by Subsection (b) from the
1-49 seller; or

1-50 (2) information described by the notice under
1-51 Subsection (b) from any other person.

1-52 (e) After the date of the conveyance, the purchaser may
1-53 bring an action for misrepresentation against the seller if the
1-54 seller:

1-55 (1) failed to provide the notice before the date of the
1-56 conveyance; and

1-57 (2) had actual knowledge that the water level
1-58 described by Subsection (b) fluctuates for various reasons,
1-59 including the reasons stated in Subsection (b).

1-60 SECTION 2. Section 5.019, Property Code, as added by this
1-61 Act, applies only to an executory contract entered into on or after

2-1 the effective date of this Act. An executory contract entered into
2-2 before the effective date of this Act is governed by the law as it
2-3 existed immediately before the effective date of this Act, and that
2-4 law is continued in effect for that purpose.

2-5 SECTION 3. This Act takes effect September 1, 2015.

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