

SENATE AMENDMENTS

2nd Printing

By: Ortega, Neave, Farrar, White

H.B. No. 36

A BILL TO BE ENTITLED

1 AN ACT

2 relating to expedited proceedings in cases involving dangerously
3 damaged or deteriorated or substandard buildings or improvements in
4 a municipality.

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

6 SECTION 1. Section 51.014(a), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (a) A person may appeal from an interlocutory order of a
9 district court, county court at law, statutory probate court, or
10 county court that:

11 (1) appoints a receiver or trustee;

12 (2) overrules a motion to vacate an order that
13 appoints a receiver or trustee;

14 (3) certifies or refuses to certify a class in a suit
15 brought under Rule 42 of the Texas Rules of Civil Procedure;

16 (4) grants or refuses a temporary injunction or grants
17 or overrules a motion to dissolve a temporary injunction as
18 provided by Chapter 65;

19 (5) denies a motion for summary judgment that is based
20 on an assertion of immunity by an individual who is an officer or
21 employee of the state or a political subdivision of the state;

22 (6) denies a motion for summary judgment that is based
23 in whole or in part upon a claim against or defense by a member of
24 the electronic or print media, acting in such capacity, or a person

1 whose communication appears in or is published by the electronic or
2 print media, arising under the free speech or free press clause of
3 the First Amendment to the United States Constitution, or Article
4 I, Section 8, of the Texas Constitution, or Chapter 73;

5 (7) grants or denies the special appearance of a
6 defendant under Rule 120a, Texas Rules of Civil Procedure, except
7 in a suit brought under the Family Code;

8 (8) grants or denies a plea to the jurisdiction by a
9 governmental unit as that term is defined in Section 101.001;

10 (9) denies all or part of the relief sought by a motion
11 under Section 74.351(b), except that an appeal may not be taken from
12 an order granting an extension under Section 74.351;

13 (10) grants relief sought by a motion under Section
14 74.351(1);

15 (11) denies a motion to dismiss filed under Section
16 90.007;

17 (12) denies a motion to dismiss filed under Section
18 27.003; ~~or~~

19 (13) denies a motion for summary judgment filed by an
20 electric utility regarding liability in a suit subject to Section
21 75.0022; or

22 (14) denies a motion filed by a governmental unit as
23 defined by Section 101.001 of this code in an action filed under
24 Section 54.012(6) or 214.0012, Local Government Code.

25 SECTION 2. Subchapter B, Chapter 54, Local Government Code,
26 is amended by adding Section 54.0155 to read as follows:

27 Sec. 54.0155. EXPEDITED PROCEEDINGS FOR CERTAIN CIVIL

1 ACTIONS. (a) A court shall expedite any proceeding, including an
2 appeal in accordance with Subsection (b), related to a suit brought
3 under this subchapter for the enforcement of an ordinance relating
4 to dangerously damaged or deteriorated structures or improvements
5 as described by Section 54.012(6).

6 (b) An appeal of a suit described by Subsection (a) is
7 governed by the procedures for accelerated appeals in civil cases
8 under the Texas Rules of Appellate Procedure. The appellate court
9 shall render its final order or judgment with the least possible
10 delay.

11 SECTION 3. Section 214.001, Local Government Code, is
12 amended by adding Subsection (s) to read as follows:

13 (s) A court shall expedite any proceeding, including an
14 appeal in accordance with Section 214.0012, related to a
15 substandard building determination under this section.

16 SECTION 4. Section 214.0012, Local Government Code, is
17 amended by adding Subsection (i) to read as follows:

18 (i) An appeal under this section is governed by the
19 procedures for accelerated appeals in civil cases under the Texas
20 Rules of Appellate Procedure. The district court shall render its
21 final order or judgment with the least possible delay.

22 SECTION 5. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2019.

ADOPTED

MAY 22 2019

Letty Graw
Secretary of the Senate

By: _____

Jose Rodriguez

H.B. No. 36

Substitute the following for H.B. No. 36 :

By: _____

Toddie Lucio, Jr.

C.S.H.B. No. 36

A BILL TO BE ENTITLED

1

AN ACT

2 relating to expedited proceedings in cases involving dangerously
3 damaged or deteriorated or substandard buildings or improvements in
4 certain municipalities.

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

6 SECTION 1. Section 51.014(a), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (a) A person may appeal from an interlocutory order of a
9 district court, county court at law, statutory probate court, or
10 county court that:

11 (1) appoints a receiver or trustee;

12 (2) overrules a motion to vacate an order that
13 appoints a receiver or trustee;

14 (3) certifies or refuses to certify a class in a suit
15 brought under Rule 42 of the Texas Rules of Civil Procedure;

16 (4) grants or refuses a temporary injunction or grants
17 or overrules a motion to dissolve a temporary injunction as
18 provided by Chapter 65;

19 (5) denies a motion for summary judgment that is based
20 on an assertion of immunity by an individual who is an officer or
21 employee of the state or a political subdivision of the state;

22 (6) denies a motion for summary judgment that is based
23 in whole or in part upon a claim against or defense by a member of
24 the electronic or print media, acting in such capacity, or a person

1 whose communication appears in or is published by the electronic or
2 print media, arising under the free speech or free press clause of
3 the First Amendment to the United States Constitution, or Article
4 I, Section 8, of the Texas Constitution, or Chapter 73;

5 (7) grants or denies the special appearance of a
6 defendant under Rule 120a, Texas Rules of Civil Procedure, except
7 in a suit brought under the Family Code;

8 (8) grants or denies a plea to the jurisdiction by a
9 governmental unit as that term is defined in Section 101.001;

10 (9) denies all or part of the relief sought by a motion
11 under Section 74.351(b), except that an appeal may not be taken from
12 an order granting an extension under Section 74.351;

13 (10) grants relief sought by a motion under Section
14 74.351(1);

15 (11) denies a motion to dismiss filed under Section
16 90.007;

17 (12) denies a motion to dismiss filed under Section
18 27.003; ~~or~~

19 (13) denies a motion for summary judgment filed by an
20 electric utility regarding liability in a suit subject to Section
21 75.0022; or

22 (14) denies a motion filed by a municipality with a
23 population of 500,000 or more in an action filed under Section
24 54.012(6) or 214.0012, Local Government Code.

25 SECTION 2. Subchapter B, Chapter 54, Local Government Code,
26 is amended by adding Section 54.0155 to read as follows:

27 Sec. 54.0155. EXPEDITED PROCEEDINGS FOR CERTAIN CIVIL

1 ACTIONS. (a) A court shall expedite any proceeding, including an
2 appeal in accordance with Subsection (b), related to a suit brought
3 under this subchapter for the enforcement of an ordinance adopted
4 by a municipality with a population of 500,000 or more relating to
5 dangerously damaged or deteriorated structures or improvements as
6 described by Section 54.012(6).

7 (b) An appeal of a suit described by Subsection (a) is
8 governed by the procedures for accelerated appeals in civil cases
9 under the Texas Rules of Appellate Procedure. The appellate court
10 shall render its final order or judgment with the least possible
11 delay.

12 SECTION 3. Section 214.001, Local Government Code, is
13 amended by adding Subsection (s) to read as follows:

14 (s) A court shall expedite any proceeding, including an
15 appeal in accordance with Section 214.0012, related to a
16 substandard building determination under this section by a
17 municipality with a population of 500,000 or more.

18 SECTION 4. Section 214.0012, Local Government Code, is
19 amended by adding Subsection (i) to read as follows:

20 (i) An appeal under this section for an action in which a
21 municipality with a population of 500,000 or more is a party is
22 governed by the procedures for accelerated appeals in civil cases
23 under the Texas Rules of Appellate Procedure. The district court
24 shall render its final order or judgment with the least possible
25 delay.

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2019.

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB36 by Ortega (Relating to expedited proceedings in cases involving dangerously damaged or deteriorated or substandard buildings or improvements in certain municipalities.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to allow a person to appeal an interlocutory order if the court denied a motion filed by a municipality with a population of 500,000 or more in actions related to dangerously damaged or deteriorated structures or improvements. The bill would also amend the Local Government Code to require courts to expedite proceedings related to a suit brought for enforcement of an ordinance adopted by a municipality with a population of 500,000 or more relating to dangerously damaged or deteriorated structures or improvements. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, SD, AF, SLE, MW, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB36 by Ortega (Relating to expedited proceedings in cases involving dangerously damaged or deteriorated or substandard buildings or improvements in certain municipalities.), **Committee Report 2nd House, Substituted**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend the Civil Practice and Remedies Code to allow a person to appeal an interlocutory order if the court denied a motion filed by a municipality with a population of 500,000 or more in actions related to dangerously damaged or deteriorated structures or improvements. The bill would also amend the Local Government Code to require courts to expedite proceedings related to a suit brought for enforcement of an ordinance adopted by a municipality with a population of 500,000 or more relating to dangerously damaged or deteriorated structures or improvements. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, AF, SLE, MW, DA

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 26, 2019

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB36 by Ortega (Relating to expedited proceedings in cases involving dangerously damaged or deteriorated or substandard buildings or improvements in a municipality.), **As Engrossed**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend the Civil Practice and Remedies Code to allow a person to appeal an interlocutory order if the court denied a motion filed by a governmental entity in actions related to dangerously damaged or deteriorated structures or improvements. The bill would also amend the Local Government Code to require courts to expedite proceedings related to a suit brought for enforcement of an ordinance relating to dangerously damaged or deteriorated structures or improvements. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, AF, SLE, MW, DA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 3, 2019

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB36 by Ortega (Relating to expedited proceedings in cases involving dangerously damaged or deteriorated or substandard buildings or improvements in a municipality.), **As Introduced**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend the Civil Practice and Remedies Code to allow a person to appeal an interlocutory order if the court denied a motion filed by a governmental entity in actions related to dangerously damaged or deteriorated structures or improvements. The bill would also amend the Local Government Code to require courts to expedite proceedings related to a suit brought for enforcement of an ordinance relating to dangerously damaged or deteriorated structures or improvements. Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: WP, SLE, MW, DA