Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) In this Act:


(2) “Department” means the Department of State Health Services.

(b) The commission shall conduct a study regarding the current risk level for bovine tuberculosis, as determined epidemiologically and defined by rule of the commission, in areas of this state determined by the commission by rule to be infected with or at high risk for bovine tuberculosis.

(c) Not later than September 1, 2014, the commission shall submit a report regarding the results of the study to the Department of Agriculture, the governor, the lieutenant governor, the House Committee on Agriculture and Livestock, the Senate Committee on Agriculture, Rural Affairs, and Homeland Security, the House Committee on Public Health, and the Senate Committee on Health and Human Services. The report must include:

(1) to the extent possible, an assessment of the risk level for bovine tuberculosis presented by areas in Mexico bordering this state;

(2) to the extent possible, a description of the efforts taken by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food and other agencies of the United Mexican States to eliminate bovine tuberculosis in the state of Chihuahua and other areas;

(3) a description of the current practices adopted by the United States Department of Agriculture and the commission to eliminate bovine tuberculosis;

(4) an assessment of the risk level for bovine tuberculosis for the state if dairy farming were to occur in areas determined by the commission by rule to be infected with or at high risk for bovine tuberculosis; and

(5) an assessment of whether the areas determined by the commission by rule to be infected with or at high risk for bovine tuberculosis could be decreased in size.

(d) As soon as practicable, the commission shall present the report regarding the results of the study at an open meeting of the commission.

(e) This Act expires October 1, 2014.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on May 3, 2013: Yeas 134, Nays 9, 1 present, not voting; passed by the Senate on May 20, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.
Effective June 14, 2013.

CHAPTER 899

H.B. No. 1086

AN ACT
relating to interruption of electric service by a residential landlord.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 92.008, Property Code, is amended by amending Subsections (b) and (f) and adding Subsections (h) through (r) to read as follows:

(b) Except as provided by this section, a [A] landlord may not interrupt or cause the interruption of water, wastewater, gas, or electric service furnished to a tenant by the landlord as an incident of the tenancy or by other agreement unless the interruption results from bona fide repairs, construction, or an emergency.
(f) If a landlord or a landlord's agent violates this section, the tenant may:

(1) either recover possession of the premises or terminate the lease; and

(2) in addition to other remedies available under law, recover from the landlord an amount equal to the sum of the tenant's actual damages, one month's rent plus $1,000 [or $500, whichever is greater], reasonable attorney's fees, and court costs, less any delinquent rents or other sums for which the tenant is liable to the landlord.

(h) Subject to Subsections (i), (j), (k), (m), and (o), a landlord who submeters electricity or allocates or prorates nonsubmetered master metered electricity may interrupt or cause the interruption of electric service for nonpayment by the tenant of an electric bill issued to the tenant if:

(1) the landlord's right to interrupt electric service is provided by a written lease entered into by the tenant;

(2) the tenant's electric bill is not paid on or before the 12th day after the date the electric bill is issued;

(3) advance written notice of the proposed interruption is delivered to the tenant by mail or hand delivery separately from any other written content that:

(A) prominently displays the words "electricity termination notice" or similar language underlined or in bold;

(B) includes:

(i) the date on which the electric service will be interrupted;

(ii) a location where the tenant may go during the landlord's normal business hours to make arrangements to pay the bill to avoid interruption of electric service;

(iii) the amount that must be paid to avoid interruption of electric service;

(iv) a statement providing that when the tenant makes a payment to avoid interruption of electric service, the landlord may not apply that payment to rent or other amounts owed under the lease;

(v) a statement providing that the landlord may not evict a tenant for failure to pay an electric bill when the landlord has interrupted the tenant's electric service unless the tenant fails to pay for the electric service after the electric service has been interrupted for at least two days, not including weekends or state or federal holidays; and

(vi) a description of the tenant's rights under Subsection (j) to avoid interruption of electric service if the interruption will cause a person residing in the tenant's dwelling to become seriously ill or more seriously ill; and

(C) is delivered not earlier than the first day after the bill is past due or later than the fifth day before the interruption date stated in the notice; and

(4) the landlord, at the same time the service is interrupted, hand delivers or places on the tenant's front door a written notice that:

(A) prominently displays the words "electricity termination notice" or similar language underlined or in bold; and

(B) includes:

(i) the date the electric service has been interrupted;

(ii) a location where the tenant may go during the landlord's normal business hours to make arrangements to pay the bill to reestablish interrupted electric service;

(iii) the amount that must be paid to reestablish electric service;

(iv) a statement providing that when the tenant makes a payment to reestablish electric service, a landlord may not apply that payment to rent or other amounts owed under the lease;

(v) a statement providing that the landlord may not evict a tenant for failure to pay an electric bill when the landlord has interrupted the tenant's electric service unless the tenant fails to pay for the electric service after the electric service has been interrupted;
interrupted for at least two days, not including weekends or state or federal holidays; and

(vi) a description of the tenant’s rights under Subsection (j) to avoid interruption of electric service if the interruption will cause a person residing in the tenant’s dwelling to become seriously ill or more seriously ill.

(i) Unless a dangerous condition exists or the tenant requests disconnection, a landlord may not interrupt or cause the interruption of electric service under Subsection (h) on a day:

(1) on which the landlord or a representative of the landlord is not available to collect electric bill payments and reestablish electric service;

(2) that immediately precedes a day described by Subdivision (1); or

(3) on which:

(A) the previous day’s highest temperature did not exceed 32 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports; or

(B) the National Weather Service issues a heat advisory for a county in which the premises is located or has issued such an advisory on one of the two preceding days.

(j) A landlord may not interrupt or cause the interruption of electric service under Subsection (h) of a tenant who, before the interruption date specified in the notice required by Subsection (h)(3), has:

(1) established that the interruption will cause a person residing in the tenant’s dwelling to become seriously ill or more seriously ill by having a physician, nurse, nurse practitioner, or other similar licensed health care practitioner attending to the person who is or may become ill provide a written statement to the landlord or a representative of the landlord stating that the person will become seriously ill or more seriously ill if the electric service is interrupted; and

(2) entered into a deferred payment plan that complies with Subsection (l).

(k) If a tenant has established, in accordance with Subsection (j), the circumstances necessary to avoid electric service interruption under that subsection, the landlord may not interrupt or cause the interruption of the tenant’s electric service under Subsection (h) before:

(1) the 63rd day after the date those circumstances are established; or

(2) an earlier date agreed to by the landlord and the tenant.

(l) A deferred payment plan for the purposes of this section must be in writing. The deferred payment plan must allow the tenant to pay the outstanding electric bill in installments that extend beyond the due date of the next electric bill and must provide that the delinquent amount may be paid in equal installments over a period equal to at least three electric service billing cycles.

(m) A landlord may not interrupt or cause the interruption of electric service under Subsection (h) to a tenant who receives energy assistance for a billing period during which the landlord receives a pledge, letter of intent, purchase order, or other notification that the energy assistance provider is forwarding sufficient payment to continue the electric service.

(n) If a delinquent electric bill is paid, or a deferred payment plan is entered into, during normal business hours, the landlord shall reconnect the tenant’s electric service within two hours of payment or entry into the deferred payment plan.

(o) A landlord may not interrupt or cause the interruption of electric service under Subsection (h) for any of the following reasons:

(1) a delinquency in payment for electric service furnished to a previous tenant;

(2) failure to pay non-electric bills, rent, or other fees;

(3) failure to pay electric bills that are six or more months delinquent; or

(4) failure to pay an electric bill disputed by the tenant, unless the landlord has conducted an investigation as required by the particular case and reported the results in writing to the tenant.
A landlord who provides notice in accordance with Subsection (h) may not apply a payment made by a tenant to avoid interruption of electric service or reestablish electric service to rent or any other amounts owed under the lease.

The landlord may not evict a tenant for failure to pay an electric bill when the landlord has interrupted the tenant's electric service under Subsection (h) unless the tenant fails to pay for the electric service after the electric service has been interrupted for at least two days, not including weekends or state or federal holidays.

Subject to this subsection, a reconnection fee may be applied if electric service to the tenant is disconnected for nonpayment of bills under Subsection (h). The reconnection fee must be computed based on the average cost to the landlord for the expenses associated with the reconnection, but may not exceed $10. A reconnection fee may not be applied unless agreed to by the tenant in a written lease that states the exact dollar amount of the reconnection fee. A fee may not be applied to a deferred payment plan entered into under this section.

SECTION 2. The change in law made by this Act applies only to an electric bill that becomes delinquent on or after the effective date of this Act. An electric bill that becomes delinquent before the effective date of this Act is governed by the law applicable to the delinquency immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 414.005, Government Code, is amended to read as follows:

Sec. 414.005. DUTIES. The council shall:

(1) encourage, advise, and assist in the creation of crime stoppers organizations;

(2) foster the detection of crime and encourage persons to report information about criminal acts;

(3) encourage news and other media to broadcast reenactments and to inform the public of the functions of crime stoppers organizations' operations and programs;

(4) promote the process of crime stoppers organizations to forward information about criminal acts to the appropriate law enforcement agencies;

(5) help law enforcement agencies detect and combat crime by increasing the flow of information to and between law enforcement agencies;

(6) create specialized programs targeted at detecting specific crimes or types of crimes, including at least one program that:

(A) encourages individuals to report sex offenders who have failed to register under Chapter 62, Code of Criminal Procedure; [and]

(B) encourages individuals to report criminal activity relating to the trafficking of persons, as described under Chapter 20A, Penal Code; and