

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 335
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Intergovernmental Relations
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Committee Report (Substituted)

DIGEST AND PURPOSE

Current Texas law permits property owners that are delinquent in their taxes to still purchase property at judicial execution and/or tax foreclosure sales. C.S.H.B. 335 prohibits a purchaser at a judicial execution or tax foreclosure sale that owes delinquent county or school district or municipality ad valorem taxes from receiving the property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 34, Civil Practice and Remedies Code, by adding Section 34.0445, as follows:

Sec. 34.0445. PERSONS ELIGIBLE TO PURCHASE REAL PROPERTY. (a) Prohibits an officer conducting a sale of real property under this subchapter from executing or delivering a deed to the purchaser of the property unless the purchaser exhibits to the officer an unexpired written statement issued to the person in the manner prescribed by Section 34.015, Tax Code, showing that the county assessor-collector of the county in which the sale is conducted has determined that there are no delinquent ad valorem taxes owed by the person to that county and for each school district or municipality having territory in the county there are no known or reported delinquent ad valorem taxes owed by the person to that school district or municipality.

(b) Prohibits an officer conducting a sale under this subchapter from executing a deed in the name of or delivering a deed to any person other than the person who was the successful bidder.

(c) Requires the deed executed by the officer conducting the sale to name the successful bidder as the grantee and recite that the successful bidder exhibited to that officer an unexpired written statement issued to the person in the manner prescribed by Section 34.015, Tax Code, showing that the county assessor-collector of the county in which the sale was conducted determined that certain ad valorem taxes are not delinquent.

(d) Provides that if a deed contains the recital required by Subsection (c), it is conclusively presumed that this section was complied with..

(e) Provides that to the extent of a conflict between this section and any other law, this section controls.

SECTION 2. Amends Subchapter A, Chapter 34, Tax Code, by adding Section 34.015, as follows:

Sec. 34.015. PERSONS ELIGIBLE TO PURCHASE REAL PROPERTY. (a) Provides that in this section, "person" does not include a taxing unit or an individual acting on behalf of a taxing unit.

(b) Prohibits an officer conducting a sale of real property under Section 34.01 from executing a deed in the name of or delivering a deed to any person other than the person who was the successful bidder. Prohibits the officer from executing or delivering a deed to the purchaser of the property unless the purchaser exhibits to the officer an unexpired written statement issued under this section to the person by the county assessor-collector of the county in which the sale is conducted showing that there are no delinquent county or certain ad valorem taxes.

(c) Requires on the written request of any person, a county assessor-collector to issue a written statement stating whether there are any delinquent taxes owed by the person to that county or to a school district or municipality having territory in that county. Requires a request for the issuance of a statement by the county assessor-collector under this subsection to meet certain criteria.

(d) Requires the county-assessor collector, on receipt of a request under Subsection (c), to send to the collector for each school district and municipality having territory in the county, other than a school district or municipality for which the county assessor-collector is the collector, a request for information as to whether there are any delinquent taxes owed by the person to that school district or municipality. Requires the county assessor-collector to specify the date by which the collector must respond to the request.

(e) Requires the county assessor-collector, if the county assessor-collector determines that there are delinquent taxes owed to the county, to include in the statement issued under Subsection (c) the amount of delinquent taxes owed by the person to that county. Requires the assessor-collector, if the county assessor-collector is the collector for a school district or municipality having territory in the county and the county assessor-collector determines that there are delinquent ad valorem taxes owed by the person to the school district or municipality, to include in the statement issued under Subsection (c) the amount of delinquent taxes owed by the person to that school district or municipality.

(f) Requires the county-assessor collector, if the county assessor-collector receives a response from the collector for a school district or municipality having territory in the indicating that there are delinquent taxes owed to that school district or municipality on the person's current or former property for which the person is personally liable, to include a statement issued under Subsection (c) indicating the amount of delinquent taxes owed by the person to that school district or municipality and include the name and address of the collector for that school district or municipality.

(g) Requires the county assessor-collector, if the county assessor-collector determines that there are no delinquent taxes owed by the person to the county or to a school district or municipality for which the county assessor-collector is the collector, to indicate in the statement issued under Subsection (c) that there are no delinquent ad valorem taxes owed by the person to the county or to the school district or municipality.

(h) Requires the county assessor-collector, if the county assessor-collector receives a response from the collector for any school district or municipality having the territory in that county indicating that there are no delinquent ad valorem taxes owed by the person to that school district or municipality, to indicate in the statement issued Subsection (c) that there are no delinquent ad valorem taxes owed by the person to that school district or municipality.

(i) Requires the county assessor-collector, if the county assessor-collector does not receive a response from the collector for any school district or municipality to whom the county assessor-collector sent a request under Subsection (d) as to whether there

are delinquent taxes on the person's current or former property owed by the person to that school district or municipality, to indicate in the statement issued under Subsection (c) that there are no reported delinquent taxes owed by the person to that school district or municipality.

(j) Authorizes a county assessor-collector, to cover the costs associated with the issuance of statements under Subsection (c), to charge the person requesting a statement a fee not to exceed \$10 for each statement requested.

(k) Requires a statement under Subsection (c) to be issued in the name of the requestor, bear the requestor's name, include the dates of issuance and expiration, and be eligible for recording under Section 12.001(b), Property Code. Provides that a statement expires on the 90th day after the date of issuance.

(l) Requires the deed executed by the officer conducting the sale to name the successful bidder as the grantee and recite that the successful bidder exhibited to that officer an unexpired written statement issued to the person in the manner prescribed by this section, showing that the county assessor-collector of the county in which the sale was conducted determined that certain ad valorem are not delinquent.

(l) [m] Provides that if a deed contains the recital required by this subsection, it is conclusively presumed that this section was complied with.

(m) [n] Provides that to the extent of a conflict between this section and any other law, this section controls.

SECTION 3. Amends Subchapter F, Chapter 11, Parks and Wildlife Code, by adding Section 11.075, as follows:

Sec. 11.075. CERTAIN SALES. Requires the mineral rights to the property, before the Texas Parks and Wildlife Department (TPWD) may sell real property owned by or under the control of TPWD to a private entity, to be conveyed to the permanent school fund.

SECTION 4. Effective date: September 1, 2003.

Makes application of this Act prospective to October 1, 2003.