

BILL ANALYSIS

C.S.H.B. 3383
By: Swinford
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2001, Chapter 60 was added to the Agriculture Code to permit the creation of agricultural development districts. Such districts provide incentives for the development of agricultural operations and facilities. Property owners, prospective purchasers, real estate professionals, title insurers, and other interested persons have raised concerns about locating and obtaining information about newly created districts including district boundaries, assessments, functions, and other relevant information. C.S.H.B. 3383 requires an agricultural development district to file relevant information with the county clerk in the county in which the district is located and with the Department of Agriculture. The bill's purpose is to make such information about each agricultural development district readily available to the public.

Additionally, an election for the creation of an agricultural district must currently comply with Sec. 41.001 of the Election Code, which requires elections to be held on certain dates. In some areas, an agricultural development district may contain 25 or fewer registered voters. Compliance with the prescribed election dates in these areas is not efficient or necessary. The bill exempts an agricultural development district containing 25 or fewer registered voters from adhering to Sec. 41.001, Election Code.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3383 amends the Agriculture Code to exempt a proposed agricultural development district which contains 25 or fewer registered voters, from complying with Sec. 41.001 (a), Election Code. The bill exempts the requirement that a seller must disclose notice to a purchaser if the seller is obligated under a written contract to furnish to the buyer a title insurance commitment before closing and the purchaser is entitled to terminate the contract because the property is located in an agricultural development district.

The bill amends Chapter 60, Agriculture Code, to require an agricultural development district (district) to file with the county clerk or clerks in which the district is located and the Texas Department of Agriculture, an information form set forth in the bill, regarding in part the district and a complete and accurate map or plat showing the boundaries of the district. The bill requires that the information form and map or plat be signed by a majority of the members of the district board and by each such officer before it is filed with the county clerk. The bill requires that the information form be filed within 48 hours after the district is approved by an election. The bill also requires that the district file an amendment setting forth any changes made to the information form, map, or plat. The bill states that if the district is dissolved, annexed to another local government, or consolidated with another district, the district must file a statement stating this fact.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3383 makes technical corrections relating to the incorrect statute citations in the bill as originally filed. The substitute adds a provision to exempt the requirement that a seller must disclose notice to a

purchaser if the seller is obligated under a written contract to furnish to the buyer a title insurance commitment before closing and the purchaser is entitled to terminate the contract if the property is located in an agricultural development district. The original called for immediate effect. The substitute has an effective date of September 1, 2003.

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