

## **BILL ANALYSIS**

H.J.R. 51  
By: Flores  
Local Government Ways and Means  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, the redemption period concerning mineral tax rolls gives the foreclosed owner only six months to reclaim their lost property. Mineral tax rolls, as opposed to real property rolls, are not prepared by the appraisal districts from the official records of the county where the property is located. The records used for preparation of the rolls come from private industry and may be incomplete and contain inaccurate data. In many cases the foreclosed owner is never informed of the taxes owed or the repossession of their mineral royalties. If a foreclosed owner does not receive notification of the sale, he is entirely dependent upon the actions of others. The current time allotment of six months may not provide the royalty owner enough time to settle his claims in court, resulting in the owner not having any right of redemption after he receives notice of the foreclosure.

H.J.R. 51 proposes a constitutional amendment to establish a two-year period for the redemption of a mineral interest for unpaid ad valorem taxes at a tax sale. The constitutional amendment increases the redemption period of a mineral interest from a six month period to a two-year period. The foreclosed owner can then redeem their ownership by paying the amounts listed in Sections 13 (c) and (d), Article VIII, Texas Constitution.

### **RULEMAKING AUTHORITY**

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

### **ANALYSIS**

#### **SECTION 1**

Amends Sections 13 (c) and (d), Article VIII, Texas Constitution, as follows:

(c) Provides that an owner of a mineral interest whose property has been sold for unpaid taxes shall have the right to redeem their property by meeting certain conditions within two years from date of the filing for record of the Purchaser's Deed.

(d) Deletes property and modifies it to specifically refer to a residence homestead or land designated for agricultural use.

#### **SECTION 2**

Adds a temporary provision to the Texas Constitution as follows:

**TEMPORARY PROVISION.** (a) Makes the temporary provision applicable to the constitutional amendment proposed under this Act that would establishes a two-year period for the redemption of a mineral interest sold for unpaid ad valorem taxes at a tax sale and expires January 1, 2005.

(b) Provides that the amendments to Sections 13 (a) and (d), apply only to the redemption of mineral interest sold at a tax sale for which the purchaser's deed is filed for record on or after January 1, 2004; all other sales of mineral interest filed before this date are subject to the law in effect when the deed is filed.

**FOR ELECTION**

November 4, 2003.