

1-1 By: Hamric, et al. (Senate Sponsor - Lindsay) H.B. No. 335
1-2 (In the Senate - Received from the House April 25, 2003;
1-3 April 28, 2003, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2003, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 22, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 335 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the public sale of certain real property; providing
1-11 penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 34, Civil Practice and
1-14 Remedies Code, is amended by adding Section 34.0445 to read as
1-15 follows:

1-16 Sec. 34.0445. PERSONS ELIGIBLE TO PURCHASE REAL PROPERTY.

1-17 (a) An officer conducting a sale of real property under this
1-18 subchapter may not execute or deliver a deed to the purchaser of the
1-19 property unless the purchaser exhibits to the officer an unexpired
1-20 written statement issued to the person in the manner prescribed by
1-21 Section 34.015, Tax Code, showing that the county
1-22 assessor-collector of the county in which the sale is conducted has
1-23 determined that:

1-24 (1) there are no delinquent ad valorem taxes owed by
1-25 the person to that county; and

1-26 (2) for each school district or municipality having
1-27 territory in the county there are no known or reported delinquent ad
1-28 valorem taxes owed by the person to that school district or
1-29 municipality.

1-30 (b) An officer conducting a sale under this subchapter may
1-31 not execute a deed in the name of or deliver a deed to any person
1-32 other than the person who was the successful bidder.

1-33 (c) The deed executed by the officer conducting the sale
1-34 must name the successful bidder as the grantee and recite that the
1-35 successful bidder exhibited to that officer an unexpired written
1-36 statement issued to the person in the manner prescribed by Section
1-37 34.015, Tax Code, showing that the county assessor-collector of the
1-38 county in which the sale was conducted determined that:

1-39 (1) there are no delinquent ad valorem taxes owed by
1-40 the person to that county; and

1-41 (2) for each school district or municipality having
1-42 territory in the county there are no known or reported delinquent ad
1-43 valorem taxes owed by the person to that school district or
1-44 municipality.

1-45 (d) If a deed contains the recital required by Subsection
1-46 (c), it is conclusively presumed that this section was complied
1-47 with.

1-48 (e) To the extent of a conflict between this section and any
1-49 other law, this section controls.

1-50 SECTION 2. Subchapter A, Chapter 34, Tax Code, is amended by
1-51 adding Section 34.015 to read as follows:

1-52 Sec. 34.015. PERSONS ELIGIBLE TO PURCHASE REAL PROPERTY.

1-53 (a) In this section, "person" does not include a taxing unit or an
1-54 individual acting on behalf of a taxing unit.

1-55 (b) An officer conducting a sale of real property under
1-56 Section 34.01 may not execute a deed in the name of or deliver a deed
1-57 to any person other than the person who was the successful bidder.

1-58 The officer may not execute or deliver a deed to the purchaser of
1-59 the property unless the purchaser exhibits to the officer an
1-60 unexpired written statement issued under this section to the person
1-61 by the county assessor-collector of the county in which the sale is
1-62 conducted showing that:

1-63 (1) there are no delinquent taxes owed by the person to

2-1 that county; and

2-2 (2) for each school district or municipality having
 2-3 territory in the county there are no known or reported delinquent ad
 2-4 valorem taxes owed by the person to that school district or
 2-5 municipality.

2-6 (c) On the written request of any person, a county
 2-7 assessor-collector shall issue a written statement stating whether
 2-8 there are any delinquent taxes owed by the person to that county or
 2-9 to a school district or municipality having territory in that
 2-10 county. A request for the issuance of a statement by the county
 2-11 assessor-collector under this subsection must:

2-12 (1) sufficiently identify any property subject to
 2-13 taxation by the county or by a school district or municipality
 2-14 having territory in the county, regardless of whether the property
 2-15 is located in the county, that the person owns or formerly owned so
 2-16 that the county assessor-collector and the collector for each
 2-17 school district or municipality having territory in the county may
 2-18 determine whether the property is included on a current or a
 2-19 cumulative delinquent tax roll for the county, the school district,
 2-20 or the municipality under Section 33.03;

2-21 (2) specify the address to which the county
 2-22 assessor-collector should send the statement;

2-23 (3) include any additional information reasonably
 2-24 required by the county assessor-collector; and

2-25 (4) be sworn to and signed by the person requesting the
 2-26 statement.

2-27 (d) On receipt of a request under Subsection (c), the county
 2-28 assessor-collector shall send to the collector for each school
 2-29 district and municipality having territory in the county, other
 2-30 than a school district or municipality for which the county
 2-31 assessor-collector is the collector, a request for information as
 2-32 to whether there are any delinquent taxes owed by the person to that
 2-33 school district or municipality. The county assessor-collector
 2-34 shall specify the date by which the collector must respond to the
 2-35 request.

2-36 (e) If the county assessor-collector determines that there
 2-37 are delinquent taxes owed to the county, the county
 2-38 assessor-collector shall include in the statement issued under
 2-39 Subsection (c) the amount of delinquent taxes owed by the person to
 2-40 that county. If the county assessor-collector is the collector for
 2-41 a school district or municipality having territory in the county
 2-42 and the county assessor-collector determines that there are
 2-43 delinquent ad valorem taxes owed by the person to the school
 2-44 district or municipality, the assessor-collector shall include in
 2-45 the statement issued under Subsection (c) the amount of delinquent
 2-46 taxes owed by the person to that school district or municipality.

2-47 (f) If the county assessor-collector receives a response
 2-48 from the collector for a school district or municipality having
 2-49 territory in the county indicating that there are delinquent taxes
 2-50 owed to that school district or municipality on the person's
 2-51 current or former property for which the person is personally
 2-52 liable, the county assessor-collector shall include in the
 2-53 statement issued under Subsection (c):

2-54 (1) the amount of delinquent taxes owed by the person
 2-55 to that school district or municipality; and

2-56 (2) the name and address of the collector for that
 2-57 school district or municipality.

2-58 (g) If the county assessor-collector determines that there
 2-59 are no delinquent taxes owed by the person to the county or to a
 2-60 school district or municipality for which the county
 2-61 assessor-collector is the collector, the county assessor-collector
 2-62 shall indicate in the statement issued under Subsection (c) that
 2-63 there are no delinquent ad valorem taxes owed by the person to the
 2-64 county or to the school district or municipality.

2-65 (h) If the county assessor-collector receives a response
 2-66 from the collector for any school district or municipality having
 2-67 territory in that county indicating that there are no delinquent ad
 2-68 valorem taxes owed by the person to that school district or
 2-69 municipality, the county assessor-collector shall indicate in the

3-1 statement issued under Subsection (c) that there are no delinquent
3-2 ad valorem taxes owed by the person to that school district or
3-3 municipality.

3-4 (i) If the county assessor-collector does not receive a
3-5 response from the collector for any school district or municipality
3-6 to whom the county assessor-collector sent a request under
3-7 Subsection (d) as to whether there are delinquent taxes on the
3-8 person's current or former property owed by the person to that
3-9 school district or municipality, the county assessor-collector
3-10 shall indicate in the statement issued under Subsection (c) that
3-11 there are no reported delinquent taxes owed by the person to that
3-12 school district or municipality.

3-13 (j) To cover the costs associated with the issuance of
3-14 statements under Subsection (c), a county assessor-collector may
3-15 charge the person requesting a statement a fee not to exceed \$10 for
3-16 each statement requested.

3-17 (k) A statement under Subsection (c) must be issued in the
3-18 name of the requestor, bear the requestor's name, include the dates
3-19 of issuance and expiration, and be eligible for recording under
3-20 Section 12.001(b), Property Code. A statement expires on the 90th
3-21 day after the date of issuance.

3-22 (l) The deed executed by the officer conducting the sale
3-23 must name the successful bidder as the grantee and recite that the
3-24 successful bidder exhibited to that officer an unexpired written
3-25 statement issued to the person in the manner prescribed by this
3-26 section, showing that the county assessor-collector of the county
3-27 in which the sale was conducted determined that:

3-28 (1) there are no delinquent ad valorem taxes owed by
3-29 the person to that county; and

3-30 (2) for each school district or municipality having
3-31 territory in the county there are no known or reported delinquent ad
3-32 valorem taxes owed by the person to that school district or
3-33 municipality.

3-34 (m) If a deed contains the recital required by Subsection
3-35 (l), it is conclusively presumed that this section was complied
3-36 with.

3-37 (n) To the extent of a conflict between this section and any
3-38 other law, this section controls.

3-39 SECTION 3. Subchapter F, Chapter 11, Parks and Wildlife
3-40 Code, is amended by adding Section 11.075 to read as follows:

3-41 Sec. 11.075. CERTAIN SALES. Before the department may sell
3-42 real property owned by or under the control of the department to a
3-43 private entity, the mineral rights to the property shall be
3-44 conveyed to the permanent school fund.

3-45 SECTION 4. This Act takes effect September 1, 2003. The
3-46 change in law made by this Act applies only to a public sale of real
3-47 property conducted on or after October 1, 2003. A public sale of
3-48 real property conducted before October 1, 2003, is governed by the
3-49 law in effect on the date the sale was conducted, and the former law
3-50 is continued in effect for that purpose.

3-51 * * * * *