

1-1 By: Zerwas (Senate Sponsor - Hegar) H.B. No. 989
1-2 (In the Senate - Received from the House March 19, 2007;
1-3 March 29, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 3, 2007, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 3, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the filing for record of a plat or replat of a
1-9 subdivision of real property.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 12.002(e), Property Code, is amended to
1-12 read as follows:

1-13 (e) A person may not file for record or have recorded in the
1-14 county clerk's office a plat, ~~[or]~~ replat, or amended plat or replat
1-15 of a subdivision of real property unless the plat, ~~[or]~~ replat, or
1-16 amended plat or replat has attached to it an original tax
1-17 certificate from each taxing unit with jurisdiction of the real
1-18 property indicating that no delinquent ad valorem taxes are owed on
1-19 the real property. If the plat, ~~[or]~~ replat, or amended plat or
1-20 replat is filed after September 1 of a year, the plat, ~~[or]~~ replat,
1-21 or amended plat or replat must also have attached to it a tax
1-22 receipt issued by the collector for each taxing unit with
1-23 jurisdiction of the property indicating that the taxes imposed by
1-24 the taxing unit for the current year have been paid or, if the taxes
1-25 for the current year have not been calculated, a statement from the
1-26 collector for the taxing unit indicating that the taxes to be
1-27 imposed by that taxing unit for the current year have not been
1-28 calculated. If the tax certificate for a taxing unit does not cover
1-29 the preceding year, the plat, ~~[or]~~ replat, or amended plat or replat
1-30 must also have attached to it a tax receipt issued by the collector
1-31 for the taxing unit indicating that the taxes imposed by the taxing
1-32 unit for the preceding year have been paid. This subsection does
1-33 not apply if:

1-34 (1) more than one person acquired the real property
1-35 from a decedent under a will or by inheritance and those persons
1-36 owning an undivided interest in the property obtained approval to
1-37 subdivide the property to provide each person with a divided
1-38 interest and a separate title to the property; or

1-39 (2) a taxing unit acquired the real property for
1-40 public use through eminent domain proceedings or voluntary sale.

1-41 SECTION 2. Section 82.051, Property Code, is amended by
1-42 amending Subsection (d) and adding Subsection (f) to read as
1-43 follows:

1-44 (d) A county clerk shall, without prior approval from any
1-45 other authority, record declarations and amendments to
1-46 declarations in the real property records~~[,]~~ and ~~[a county clerk~~
1-47 ~~shall]~~ record condominium plats or plans in the real property
1-48 records or in books maintained for that purpose~~[, as a declarant may~~
1-49 ~~request]~~. If a county clerk maintains a [The] book for the
1-50 condominium plat records, the book shall be the same size and type
1-51 as the book for recording subdivision plats.

1-52 (f) A person may not file for record or have recorded in the
1-53 county clerk's office a plat, replat, or amended plat or replat of a
1-54 condominium unless the plat, replat, or amended plat or replat has
1-55 attached to it an original tax certificate from each taxing unit
1-56 with jurisdiction of the real property indicating that no
1-57 delinquent ad valorem taxes are owed on the real property. If the
1-58 plat, replat, or amended plat or replat is filed after September 1
1-59 of a year, the plat, replat, or amended plat or replat must also
1-60 have attached to it a tax receipt issued by the collector for each
1-61 taxing unit with jurisdiction of the property indicating that the
1-62 taxes imposed by the taxing unit for the current year have been paid
1-63 or, if the taxes for the current year have not been calculated, a
1-64 statement from the collector for the taxing unit indicating that

2-1 the taxes to be imposed by that taxing unit for the current year
2-2 have not been calculated. If the tax certificate for a taxing unit
2-3 does not cover the preceding year, the plat, replat, or amended plat
2-4 or replat must also have attached to it a tax receipt issued by the
2-5 collector for the taxing unit indicating that the taxes imposed by
2-6 the taxing unit for the preceding year have been paid. This
2-7 subsection does not apply if a taxing unit acquired the condominium
2-8 for public use through eminent domain proceedings or voluntary
2-9 sale.

2-10 SECTION 3. This Act takes effect September 1, 2007.

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