

1-1 By: Taylor S.B. No. 723
 1-2 (In the Senate - Filed February 21, 2013; February 25, 2013,
 1-3 read first time and referred to Committee on Business and Commerce;
 1-4 March 13, 2013, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; March 13, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the location of certain public sales of real property.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 34.041, Civil Practice and Remedies
 1-22 Code, is amended to read as follows:

1-23 Sec. 34.041. SALE AT PLACE OTHER THAN COURTHOUSE DOOR.

1-24 (a) If the public sale of real property [~~land~~] is required by court
 1-25 order or other law to be made at a place other than the courthouse
 1-26 door, sales under this chapter shall be made at the place designated
 1-27 by that court order or other law.

1-28 (b) The commissioners court of a county may designate an
 1-29 area other than an area at the county courthouse where public sales
 1-30 of real property under this chapter will take place that is in a
 1-31 public place within a reasonable proximity of the county courthouse
 1-32 and in a location as accessible to the public as the courthouse
 1-33 door. The commissioners court shall record that designation in the
 1-34 real property records of the county. Except for a sale under
 1-35 Subsection (a), a sale must be held at an area designated under this
 1-36 subsection and may not be held before the 90th day after the date
 1-37 the designation is recorded.

1-38 SECTION 2. Subsection (h), Section 51.002, Property Code,
 1-39 is amended to read as follows:

1-40 (h) For the purposes of Subsection (a), the commissioners
 1-41 court of a county may designate an area other than an area at the
 1-42 county courthouse where public sales of real property under this
 1-43 section will take place that is in a public place within a
 1-44 reasonable proximity of the county courthouse and in a location as
 1-45 accessible to the public as the courthouse door. The commissioners
 1-46 court shall record that designation in the real property records of
 1-47 the county. A sale must [~~may not~~] be held at an area designated
 1-48 under this subsection and may not be held before the 90th day after
 1-49 the date the designation is recorded. The posting of the notice
 1-50 required by Subsection (b)(1) of a sale designated under this
 1-51 subsection to take place at an area other than an area of the
 1-52 courthouse remains at the courthouse door of the appropriate
 1-53 county.

1-54 SECTION 3. Section 34.01, Tax Code, is amended by amending
 1-55 Subsection (r) and adding Subsection (r-1) to read as follows:

1-56 (r) Except as provided by this subsection, a sale of real
 1-57 property under this section must take place at the county
 1-58 courthouse in the county in which the land is located. The
 1-59 commissioners court of the county may designate an area other than
 1-60 an area at [~~in~~] the county courthouse [~~or another location in the~~
 1-61 county] where sales under this section will [~~must~~] take place that

2-1 is in a public place within a reasonable proximity of the county
2-2 courthouse and in a location as accessible to the public as the
2-3 courthouse door. The commissioners court [and] shall record that
2-4 designation [any designated area or other location] in the real
2-5 property records of the county. A sale must be held at an area
2-6 designated under this subsection and may not be held before the 90th
2-7 day after the date the designation is recorded [If the
2-8 commissioners court designates an area in the courthouse or another
2-9 location in the county for sales, a sale must occur in that area or
2-10 at that location. If the commissioners court does not designate an
2-11 area in the courthouse or another location in the county for sales,
2-12 a sale must occur in the same area in the courthouse that is
2-13 designated by the commissioners court for the sale of real property
2-14 under Section 51.002, Property Code].

2-15 (r-1) If a commissioners court has designated an area where
2-16 public sales of real property take place under Subsection (r)
2-17 before September 1, 2013, that will not be in compliance with
2-18 Subsection (r) after December 31, 2013, the commissioners court
2-19 shall designate before January 1, 2014, a location for public sales
2-20 that will comply with Subsection (r), as amended by __.B. ____, 83rd
2-21 Legislature, Regular Session, 2013. This subsection expires
2-22 September 1, 2014.

2-23 SECTION 4. Subsection (r), Section 34.01, Tax Code, as
2-24 amended by this Act, applies only to a sale of real property in
2-25 which notice of the sale under that section is provided on or after
2-26 the effective date of this Act. A sale in which notice of the sale
2-27 is provided before the effective date of this Act is subject to the
2-28 law in effect immediately before that date, and that law is
2-29 continued in effect for that purpose.

2-30 SECTION 5. (a) Except as provided by Subsection (b) of
2-31 this section, this Act takes effect September 1, 2013.

2-32 (b) Subsection (r), Section 34.01, Tax Code, as amended by
2-33 this Act, takes effect January 1, 2014.

2-34 * * * * *