

SENATE AMENDMENTS

2nd Printing

By: J. Davis of Harris

H.B. No. 699

A BILL TO BE ENTITLED

AN ACT

relating to the location of certain public sales of real property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Sec. 34.041. SALE AT PLACE OTHER THAN COURTHOUSE DOOR. (a) If the public sale of real property [~~land~~] is required by court order or other law to be made at a place other than the courthouse door, sales under this chapter shall be made at the place designated by that court order or other law.

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

SECTION 2. Section 51.002(h), Property Code, is amended to read as follows:

(h) For the purposes of Subsection (a), the commissioners court of a county may designate an area other than an area at the

1 county courthouse where public sales of real property under this
2 section will take place that is in a public place within a
3 reasonable proximity of the county courthouse and in a location as
4 accessible to the public as the courthouse door. The commissioners
5 court shall record that designation in the real property records of
6 the county. A sale must ~~[may not]~~ be held at an area designated
7 under this subsection and may not be held before the 90th day after
8 the date the designation is recorded. The posting of the notice
9 required by Subsection (b)(1) of a sale designated under this
10 subsection to take place at an area other than an area of the
11 courthouse remains at the courthouse door of the appropriate
12 county.

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

15 (r) Except as provided by this subsection, a sale of real
16 property under this section must take place at the county
17 courthouse in the county in which the land is located. The
18 commissioners court of the county may designate an area other than
19 an area at ~~[in]~~ the county courthouse ~~[or another location in the~~
20 ~~county]~~ where sales under this section will ~~[must]~~ take place that
21 is in a public place within a reasonable proximity of the county
22 courthouse and in a location as accessible to the public as the
23 courthouse door. The commissioners court ~~[and]~~ shall record that
24 designation ~~[any designated area or other location]~~ in the real
25 property records of the county. A sale must be held at an area
26 designated under this subsection and may not be held before the 90th
27 day after the date the designation is recorded ~~[If the~~

1 ~~commissioners court designates an area in the courthouse or another~~
2 ~~location in the county for sales, a sale must occur in that area or~~
3 ~~at that location. If the commissioners court does not designate an~~
4 ~~area in the courthouse or another location in the county for sales,~~
5 ~~a sale must occur in the same area in the courthouse that is~~
6 ~~designated by the commissioners court for the sale of real property~~
7 ~~under Section 51.002, Property Code].~~

8 (r-1) If a commissioners court has designated an area where
9 public sales of real property take place under Subsection (r)
10 before September 1, 2013, that will not be in compliance with
11 Subsection (r) after December 31, 2013, the commissioners court
12 shall designate before January 1, 2014, a location for public sales
13 that will comply with Subsection (r), as amended by H.B. 699, 83rd
14 Legislature, Regular Session, 2013. This subsection expires
15 September 1, 2014.

16 SECTION 4. Section 34.01(r), Tax Code, as amended by this
17 Act, applies only to a sale of real property in which notice of the
18 sale under that section is provided on or after the effective date
19 of this Act. A sale in which notice of the sale is provided before
20 the effective date of this Act is subject to the law in effect
21 immediately before that date, and that law is continued in effect
22 for that purpose.

23 SECTION 5. (a) Except as provided by Subsection (b) of
24 this section, this Act takes effect September 1, 2013.

25 (b) Section 34.01(r), Tax Code, as amended by this Act,
26 takes effect January 1, 2014.

ADOPTED

MAY 20 2013

Atty. Gen.
Secretary of the Senate

By: *Mary Taylor*

H.B. No. 699

Substitute the following for H.B. No. 699:

By: Taylor

C.S. H.B. No. 699

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

Sec. 34.041. SALE AT PLACE OTHER THAN COURTHOUSE DOOR.

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

(b) The commissioners court of a county may designate an area other than an area at the county courthouse where public sales of real property under this chapter will take place that is in a public place within a reasonable proximity of the county courthouse as determined by the commissioners court and in a location as accessible to the public as the courthouse door. The commissioners court shall record that designation in the real property records of the county. A designation by a commissioners court under this section is not a ground for challenging or invalidating any sale. Except for a sale under Subsection (a), a sale must be held at an area designated under this subsection if the sale is held on or after the 90th day after the date the designation is recorded. The commissioners court may by order authorize a county official or employee to identify separate locations within the designated area

1 for the conduct of sales under this section and for the conduct of
2 sales by peace officers under other laws.

3 SECTION 2. Subsection (h), Section 51.002, Property Code,
4 is amended to read as follows:

5 (h) For the purposes of Subsection (a), the commissioners
6 court of a county may designate an area other than an area at the
7 county courthouse where public sales of real property under this
8 section will take place that is in a public place within a
9 reasonable proximity of the county courthouse as determined by the
10 commissioners court and in a location as accessible to the public as
11 the courthouse door. The commissioners court shall record that
12 designation in the real property records of the county. A
13 designation by a commissioners court under this section is not a
14 ground for challenging or invalidating any sale. A sale must [~~may~~
15 ~~not~~] be held at an area designated under this subsection if the sale
16 is held on or after [~~before~~] the 90th day after the date the
17 designation is recorded. The posting of the notice required by
18 Subsection (b)(1) of a sale designated under this subsection to
19 take place at an area other than an area of the courthouse remains
20 at the courthouse door of the appropriate county.

21 SECTION 3. Subsection (r), Section 34.01, Tax Code, is
22 amended to read as follows:

23 (r) Except as provided by this subsection, a sale of real
24 property under this section must take place at the county
25 courthouse in the county in which the land is located. The
26 commissioners court of the county may designate an area other than
27 an area at [~~in~~] the county courthouse [~~or another location in the~~

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

18 SECTION 4. This Act takes effect October 1, 2013.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 21, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB699 by Davis, John (Relating to the location of certain public sales of real property.),
As Passed 2nd House

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practices and Remedies Code, Property Code, and Tax Code relating to the location of certain public sales of real property. Under provisions of the bill, county commissioners courts could designate an area other than an area at the county courthouse where certain public sales of real property could take place.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, SD, RB, CL, ZS, JP, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 14, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB699 by Davis, John (Relating to the location of certain public sales of real property.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practices and Remedies Code, Property Code, and Tax Code relating to the location of certain public sales of real property. Under provisions of the bill, county commissioners courts could designate an area other than an area at the county courthouse where certain public sales of real property could take place.

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No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, RB, CL, ZS, JP, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 9, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB699 by Davis, John (Relating to the location of certain public sales of real property.),
As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practices and Remedies Code, Property Code, and Tax Code relating to the location of certain public sales of real property. Under provisions of the bill, county commissioners courts could designate an area other than an area at the county courthouse where certain public sales of real property could take place.

The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, RB, CL, ZS, JP, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 1, 2013

TO: Honorable Tryon D. Lewis, Chair, House Committee On Judiciary & Civil Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB699 by Davis, John (Relating to the location of certain public sales of real property.).
As Introduced

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practices and Remedies Code, Property Code, and Tax Code relating to the location of certain public sales of real property. Under provisions of the bill county commissioners courts could designate an area other than an area at the county courthouse where certain public sales of real property could take place.

The bill would take effect September 1, 2013.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: UP, CL, ZS, JP, KKR