

House Bill 699
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 county courthouse where public sales of real property under this section will take place that is in a public place

SENATE VERSION (CS)

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

SECTION 2. Subsection (h), Section 51.002, 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 county courthouse where public sales of real property under this section will take place that is in a public place

CONFERENCE

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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. A sale ~~must~~ ~~[may not]~~ 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. The posting of the notice required by Subsection (b)(1) of a sale designated under this subsection to take place at an area other than an area of the courthouse remains at the courthouse door of the appropriate county.

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

(r) Except as provided by this subsection, a sale of real property under this section must take place at the county courthouse in the county in which the land is located. The commissioners court of the county may designate an area ~~other than an area at [in] the county courthouse [or another location in the county]~~ where sales under this section will ~~[must]~~ 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 ~~[and]~~ shall record that designation ~~[any designated area or other location]~~ in the real property records of the county. 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 ~~[If the commissioners court designates an area in the courthouse or another location~~

SENATE VERSION (CS)

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. A sale ~~must~~ ~~[may not]~~ be held at an area designated under this subsection if the sale is held on or after ~~[before]~~ the 90th day after the date the designation is recorded. The posting of the notice required by Subsection (b)(1) of a sale designated under this subsection to take place at an area other than an area of the courthouse remains at the courthouse door of the appropriate county.

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

(r) Except as provided by this subsection, a sale of real property under this section must take place at the county courthouse in the county in which the land is located. The commissioners court of the county may designate an area other than an area at [in] the county courthouse [or another location in the county] where sales under this section will ~~[must]~~ 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 ~~[and]~~ shall record that designation ~~[any designated area or other location]~~ 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. A sale must be held at an area designated under this subsection if the sale

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

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

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

SECTION 5. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2013.
(b) Section 34.01(r), Tax Code, as amended by this Act, takes effect January 1, 2014.

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~~is held on or after the 90th day after the date the designation is recorded [If the commissioners court designates an area in the courthouse or another location in the county for sales, a sale must occur in that area or at that location. If the commissioners court does not designate an area in the courthouse or another location in the county for sales, a sale must occur in the same area in the courthouse that is designated by the commissioners court for the sale of real property under Section 51.002, Property Code].~~

No equivalent provision.

No equivalent provision.

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

CONFERENCE