

1-1 By: Huberty (Senate Sponsor - Bettencourt) H.B. No. 1652
1-2 (In the Senate - Received from the House May 6, 2019;
1-3 May 6, 2019, read first time and referred to Committee on Property
1-4 Tax; May 13, 2019, reported favorably by the following vote:
1-5 Yeas 5, Nays 0; May 13, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Bettencourt	X		
1-9	Paxton	X		
1-10	Creighton	X		
1-11	Hancock	X		
1-12	Hinojosa	X		

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the public resale by means of a public auction using
1-16 online bidding and sale of property purchased by a taxing unit at an
1-17 ad valorem tax sale.

1-18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-19 SECTION 1. Section 34.05(d), Tax Code, is amended to read as
1-20 follows:

1-21 (d) Except as provided by this subsection, all public sales
1-22 requested as provided by Subsection (c) must ~~shall~~ be conducted
1-23 in the manner prescribed by the Texas Rules of Civil Procedure for
1-24 the sale of property under execution or, if directed by the
1-25 commissioners court of the county, in accordance with Section
1-26 34.01(a-1) and the rules adopted under that section providing for
1-27 public auction using online bidding and sale. The notice of the sale
1-28 must contain a description of the property to be sold, the number
1-29 and style of the suit under which the property was sold at the tax
1-30 foreclosure sale, and the date of the tax foreclosure sale. The
1-31 description of the property in the notice is sufficient if it is
1-32 stated in the manner provided by Section 34.01(f). If the
1-33 commissioners court of a county by order specifies the date or time
1-34 at which or location in the county where a public sale requested
1-35 under Subsection (c) shall be conducted, the sale shall be
1-36 conducted on the date and at the time and location specified in the
1-37 order. The acceptance of a bid by the officer conducting the sale is
1-38 conclusive and binding on the question of its sufficiency. An
1-39 action to set aside the sale on the grounds that the bid is
1-40 insufficient may not be sustained in court, except that a taxing
1-41 unit that participates in distribution of proceeds of the sale may
1-42 file an action before the first anniversary of the date of the sale
1-43 to set aside the sale on the grounds of fraud or collusion between
1-44 the officer making the sale and the purchaser. On conclusion of the
1-45 sale, the officer making the sale shall prepare a deed to the
1-46 purchaser. The taxing unit that requested the sale may elect to
1-47 prepare a deed for execution by the officer. If the taxing unit
1-48 prepares the deed, the officer shall execute that deed. An officer
1-49 who executes a deed prepared by the taxing unit is not responsible
1-50 or liable for any inconsistency, error, or other defect in the form
1-51 of the deed. As soon as practicable after a deed is executed by the
1-52 officer, the officer shall either file the deed for recording with
1-53 the county clerk or deliver the executed deed to the taxing unit
1-54 that requested the sale, which shall file the deed for recording
1-55 with the county clerk. The county clerk shall file and record each
1-56 deed under this subsection and after recording shall return the
1-57 deed to the grantee.

1-58 SECTION 2. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this

2-1 Act takes effect September 1, 2019.

2-2 * * * * *