

BILL ANALYSIS

Senate Research Center

S.B. 141
By: Cain
Intergovernmental Relations
2-12-97
Committee Report (Amended)

DIGEST

Currently, Texas law does not authorize a county to seize and sell abandoned real property for delinquent ad valorem taxes. These properties often pose a health or safety threat but Texas counties lack the authority to seize the property and sell it. In addition, granting counties the authority to seize and sell abandoned property would reduce government expenditures on these properties and provide an increased tax base. This bill will grant a county the power to seize and sell abandoned real property for delinquent ad valorem taxes.

PURPOSE

As proposed, S.B. 141 grants power to a county to seize and sell abandoned real property for delinquent ad valorem taxes.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 33E, Tax Code, as follows:

SUBCHAPTER E. SEIZURE OF REAL PROPERTY

Sec. 33.91. New heading: PROPERTY SUBJECT TO SEIZURE BY MUNICIPALITY. Prohibits the seizure and sale from being set aside or voided because of any error in determination.

Sec. 33.911. PROPERTY SUBJECT TO SEIZURE BY COUNTY. Provides that certain real property owned by a person is subject to seizure by a county for the payment of delinquent ad valorem taxes, penalties, and interest the person owes on the property if the taxes are delinquent for each of the preceding five years and the county tax assessor-collector determines that seizure of the property would be in the best interest of the county and the other taxing units after determining that the sum of all outstanding tax and county claims against the property plus the estimated costs of a standard judicial foreclosure exceed the anticipated proceeds from a tax sale. Prohibits the seizure or sale from being set aside or voided because of any error in determination.

Sec. 33.92. INSTITUTION OF SEIZURE. Makes conforming changes.

Sec. 33.93. TAX WARRANT. Makes conforming changes.

Sec. 33.94. NOTICE OF TAX SALE. Makes a conforming change.

Sec. 33.95. PURCHASER. Makes no change.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 33.91, Tax Code, to prohibit the seizure and sale from being set aside or voided because of any error in determination.

Amends SECTION 1, Section 33.911, Tax Code, to prohibit the seizure and sale from being set aside or voided because of any error in determination.