

BILL ANALYSIS

Senate Research Center
80R944 JPL-F

H.B. 989
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3101, enacted by the 79th Legislature, Regular Session, 2005, prohibited a person from filing for record or having recorded a plat or replat, unless an original tax certificate was attached, proving that delinquent taxes were not owed. Due to legislative oversight, language to include condominiums and amended plats and replats was inadvertently excluded.

H.B. 989 seeks to extend the same filing requirements already in statute for condominiums, amended plats, and amended replats.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.002(e), Property Code, as follows:

(e) Prohibits a person from filing for record or having recorded in the county clerk's office a plat, replat, amended plat, or amended replat of a subdivision of real property unless it has attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property. Makes conforming changes.

SECTION 2. Amends Section 82.051, Property Code, by amending Subsection (d) and adding Subsection (f), as follows:

(d) Makes nonsubstantive changes. Requires that the book for condominium plat records be the same size and type as that for recording subdivision plats if the county clerk maintains a book for condominium plat records.

(f) Prohibits a person from filing for record or having recorded in the county clerk's office a plat, replat, amended plat, or amended replat of a condominium unless it has attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property. Sets forth specific requirements for attaching a tax receipt showing the payment of taxes due or a statement showing that the taxes have yet to be calculated. Provides that this subsection does not apply if a taxing unit acquired the condominium for public use through eminent domain proceedings or voluntary sale.

SECTION 3. Effective date: September 1, 2007.