

BILL ANALYSIS

Senate Research Center
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H.B. 1563
By: Bosse (Lindsay)
Intergovernmental Relations
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Engrossed

DIGEST

Currently, a plat, replat, vacation of a plat, or amendment of a plat on a parcel of real property can be approved by a municipality or a commissioners court even if there are delinquent ad valorem taxes owed on the property. The purpose of this bill is to prevent the subdivision of a plat of property until all delinquent property taxes have been paid. H.B. 1563 would prohibit a county clerk or deputy from recording a plat or replat unless it is approved as provided by law by the appropriate authority and unless the plat or replat has attached to it the documents required by the Local Government Code. In addition, this bill would prohibit a person from filing for record or having recorded in the county clerk's office a plat or replat of a subdivision of real property unless the plat or replat 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, under certain circumstances.

PURPOSE

As proposed, H.B. 1563 establishes prohibitions regarding the recording of a plat or replat of a subdivision of real property if ad valorem taxes are delinquent.

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 Section 12.002, Property Code, to prohibit a county clerk or deputy from recording a plat or replat unless it is approved as provided by law by the appropriate authority and unless the plat or replat has attached to it the documents required by Subsection (e) or Section 232.023, Local Government Code (Plat Required), rather than Section 232.0035. Prohibits a person from filing for record or having recorded in the county clerk's office a plat or replat of a subdivision of real property unless the plat or replat 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. Provides that this subsection does not apply if more than one person acquired the real property from a decedent under a will or by inheritance and those persons owning an undivided interest in the property obtained approval to subdivide the property to provide each person with a divided interest and a separate title to the property. Provides that a person commits an offense if the person violates Subsection (e). Makes conforming and nonsubstantive changes.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.