

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1341
By: Jackson
Business & Commerce
5/15/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.S.B. 1341 requires a seller of a tract of land of less than 10 acres, that is the direct product of a subdivision of land, to give written notice of the sale to the department that oversees engineering for the county in which the tract of land is located, within a certain time frame. This bill applies only to the purchase of a tract of land in a county that has a population of 150,000 or more and is adjacent to an international border, a county that has a population of 700,000 or more, or a county that is adjacent to a county with a population of 700,000, or more. C.S.S.B. 1341 also authorizes an administrative penalty for violation of the requirement and establishes the process for calculating the penalty and for appealing the penalty.

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 Subchapter A, Chapter 232, Local Government Code, by adding Section 232.011, as follows:

- Sec. 232.011. NOTICE TO COUNTY REGARDING CERTAIN PURCHASES. (a) Provides that this section applies only to a purchase of a tract of land located in a county that meets certain criteria.
- (b) Requires a seller of a tract of land of less than 10 acres that is the direct product of a subdivision of land to give written notice of the sale to the department that oversees engineering for the county in which the tract of land is located, not later than the 10th day after the date of the closing of the sale.
- (c) Authorizes the commissioners court to impose an administrative penalty, not to exceed \$500, on a seller that does not provide the notice of sale in accordance with Subsection (b).
- (d) Requires the amount of the penalty authorized by Subsection (c) to be based on certain criteria.
- (e) Authorizes the seller to appeal an administrative penalty imposed under this section to the district court in the county in which the tract of land is located. Authorizes the enforcement of the penalty to be stayed during the time the imposition of the penalty is under judicial review by the district court if the seller pays the penalty to the clerk of the district court or files a supersedeas bond with the court in the amount of the penalty. Authorizes a person who cannot afford to pay the penalty or file the bond to stay the enforcement by filing an affidavit in the manner required by the Texas Rules of Civil Procedure for a party who cannot afford to file security for costs, subject to the right of the commissioners court to contest the affidavit as provided by those rules.
- (f) Authorizes the commissioners court to sue to collect the penalty imposed under this section.

SECTION 2. Makes application of this Act prospective to November 1, 2003.

SECTION 3. Effective date: September 1, 2003.