

BILL ANALYSIS

Senate Research Center

H.B. 2622
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Engrossed

DIGEST

Currently, Section 33.43, Tax Code, governs petitions for foreclosure of tax liens by a taxing unit. Although penalties, interest, and delinquent taxes are recoverable, taxing units are not authorized to collect interest, taxes and penalties in the time period between the judgment in favor of the taxing unit. H.B. 2622 would allow a taxing unit to be paid post-judgment taxes, penalties, and interest upon selling the property.

PURPOSE

As proposed, H.B. 2622 outlines provisions regarding liability for postjudgment taxes, penalties, and interest in a suit to collect a delinquent ad valorem tax.

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 33.43(a), Tax Code, to provide that a petition initiating a suit to collect a delinquent property tax is sufficient if it alleges certain information. Makes conforming changes.

SECTION 2. Amends Section 33.52, Tax Code, as follows:

Sec. 33.52. New heading: JUDGMENT FOR CURRENT TAXES AND POSTJUDGMENT TAXES, PENALTIES, AND INTEREST. Sets forth certain amounts a judgment is required to order if the court orders the foreclosure of a tax lien and the sale of real property. Requires the taxing unit, rather than court, to recover, rather than order the recovery of, the amount of tax imposed on the property for the preceding tax year, prorated to the date of the sale, rather than the judgment, if the amount of tax for a, rather than the current, tax year has not been determined on the date of the sale, rather than judgment.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.