

BILL ANALYSIS

Senate Research Center
78R2783 JD-D

H.J.R. 51
By: Flores (Staples)
Finance
5/14/2003
Engrossed

DIGEST AND PURPOSE

Under current law, the redemption period concerning mineral tax rolls gives the foreclosed owner only six months to reclaim their lost property. Mineral tax rolls, as opposed to real property rolls, are not prepared by the appraisal districts from the official records of the county where property is located. The records used for preparation of the rolls come from private industry and may be incomplete and contain inaccurate data. In many cases the foreclosed owner is never informed of the taxes owed or repossession of their mineral royalties. If a foreclosed owner does not receive notification of the sale, the owner is entirely dependent upon the actions of others. H.J.R. 51 proposes a constitutional amendment to establish a two-year period for the redemption of a mineral interest for unpaid ad valorem taxes at a tax sale. The constitutional amendment increases the redemption period of a mineral interest from a six month period to a two-year period. The foreclosed owner can then redeem ownership by paying the amounts listed in Section 13(c) and (d), Article VIII, Texas Constitution.

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 Sections 13(c) and (d), Article VIII, Texas Constitution, as follows:

(c) Adds a mineral interest sold for unpaid taxes to the list of types of property a former owner has the right to redeem within two years from the date of the filing for record of the Purchaser's Deed if certain conditions apply. Makes a nonsubstantive change.

(d) Authorizes the legislature, if the residence homestead or land designated for agricultural use, rather than property, is sold pursuant to a suit to enforce the collection of unpaid taxes, to limit the application of Subsection (c) of this section to property used as a residence homestead when the suit was filed and to land designated for agricultural use when the suit was filed.

SECTION 2. TEMPORARY PROVISION. (a) Provides that this temporary provision applies to the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, to establish a two-year period for the redemption of a mineral interest sold for unpaid ad valorem taxes at a tax sale and expires January 1, 2005.

(b) Makes the application of the amendments to Sections 13(c) and (d), Article VIII, of this constitution prospective to January 1, 2004.

SECTION 3. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 2003. Requires the ballot to be printed to permit voting for or against this certain proposition.