

BILL ANALYSIS

S.B. 985
By: Zaffirini
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 985 provides home-rule municipalities the authority and option of entering into a contractual agreement with a broker for the sale of a tract of real property owned by the home-rule municipality. Counties have had this authority since 1991. S.B. 985 allows land properly owned by municipalities to be listed on the Multiple Listing Service, reaching many more potential buyers.

If the home-rule municipality does not want to sell through a broker, it will still have the option to sell a tract of real property by public auction or by sealed bids following the publication of two newspaper notices.

As proposed, S.B. 985 amends current law relating to authorizing broker agreements for the sale of real property by certain municipalities.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Chapter 253, Local Government Code, by adding Section 253.014, as follows:

Sec. 253.014. BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY BY HOME-RULE MUNICIPALITY. (a) Defines "broker" in this section.

(b) Authorizes the governing body of a home-rule municipality to contract with a broker to sell a tract of real property that is owned by the municipality.

(c) Authorizes the governing body to pay a fee if a broker produces a ready, willing, and able buyer to purchase a tract of real property.

(d) Authorizes the governing body, on or after the 30th day after the date the property is listed, to sell the tract of real property to a ready, willing, and able buyer who is produced by any broker using the multiple-listing service and who submits the highest cash offer, if a contract is made under Subsection (b) with a broker to list the tract of real property for sale for at least 30 days with a multiple-listing service.

(e) Authorizes the governing body to sell a tract of real property under this section without complying with the public auction requirements prescribed by Section 253.008 (Sale of Real Property by Public Auction) or other law or the notice and bidding requirements prescribed by Section 272.001 (Notice of Sale or Exchange of Land by Political Subdivision; Exceptions) or other law.

SECTION 2. Effective date: upon passage or September 1, 2013.

EFFECTIVE DATE

upon passage or September 1, 2013.