

BILL ANALYSIS

Senate Research Center
86R7231 JES-F

S.B. 1361
By: Bettencourt
Property Tax
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a taxing unit may purchase the property at a tax sale when there are no bids received from the public. The taxing unit is then charged with reselling the property in an effort to recover the taxes awarded to the taxing units pursuant to the underlying judgment. Interested parties note that current law is unclear as to whether online bidding and sale may be utilized for the resale of property. S.B. 1361 clarifies the ability to use online bidding and sale for the resale of property purchased by a taxing unit at a tax sale.

As proposed, S.B. 1361 amends current law relating to the public resale by means of a public auction using online bidding and sale of property purchased by a taxing unit at an ad valorem tax sale.

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 Section 34.05(d), Tax Code, as follows:

(d) Requires all public sales requested as provided by Subsection (c) (relating to authorizing the taxing unit purchasing the property by resolution of its governing body to request the sheriff or a constable to sell the property at a public sale), except as provided by this subsection, to be conducted in the manner prescribed by the Texas Rules of Civil Procedure for the sale of property under execution or, if directed by the commissioners court of the county, in accordance with Section 34.01(a-1) (relating to authorizing the commissioners court to authorize the officer charged with selling property to conduct a public auction using online bidding and sale) and the rules adopted under that section providing for public auction using online bidding and sale.

SECTION 2. Effective date: upon passage or September 1, 2019.