

By: Anchia

H.B. No. 3178

A BILL TO BE ENTITLED

AN ACT

relating to the use of a broker for the exchange of land by a political subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 272.001(a), Local Government Code, is amended to read as follows:

(a) Except for the types of land and interests covered by Subsection (b), (g), (h), (i), (j), or (l), and except as provided by Section 253.008 or 272.007, before land owned by a political subdivision of the state may be sold or exchanged for other land, notice to the general public of the offer of the land for sale or exchange must be published in a newspaper of general circulation in either the county in which the land is located or, if there is no such newspaper, in an adjoining county. The notice must include a description of the land, including its location, and the procedure by which sealed bids to purchase the land or offers to exchange the land may be submitted. The notice must be published on two separate dates and the sale or exchange may not be made until after the 14th day after the date of the second publication.

SECTION 2. Chapter 272, Local Government Code, is amended by adding Section 272.007 to read as follows:

Sec. 272.007. BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) In this section, "broker" means a person licensed as a broker under Chapter 1101, Occupations Code.

1 (b) A political subdivision may contract with a broker to
2 lease or sell a tract of real property that is owned by the
3 political subdivision.

4 (c) The governing body of a home-rule municipality may
5 contract with a broker to sell a tract of real property that the
6 municipality holds in trust and has the authority to sell.

7 (d) The political subdivision may pay a fee if a broker
8 produces a ready, willing, and able buyer to purchase a tract of
9 real property.

10 (e) If a contract made under Subsection (b) or (c) requires
11 a broker to list the tract of real property for sale for at least 30
12 days with a multiple-listing service used by other brokers in the
13 county, the political subdivision on or after the 30th day after the
14 date the property is listed may sell the tract of real property to a
15 ready, willing, and able buyer who is produced by any broker using
16 the multiple-listing service and who submits the most advantageous
17 offer.

18 (f) The political subdivision must post a notice of intent
19 to sell the real property in a newspaper of general circulation, not
20 less than once, at least fourteen days before the date the political
21 subdivision accepts an offer produced by a broker.

22 (g) The political subdivision may sell a tract of real
23 property under this section without complying with the requirements
24 of Section 253.008, 263.001, or 272.001.

25 SECTION 3. Sections 253.014 and 263.008, Local Government
26 Code, are repealed.

27 SECTION 4. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2017.