

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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 certain political subdivisions.

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 BY CERTAIN POLITICAL SUBDIVISIONS. (a) In this section, "broker" means a person licensed as a broker under Chapter 1101,

1 Occupations Code.

2 (b) A political subdivision, other than a home-rule  
3 municipality or a county, may contract with a broker to lease or  
4 sell a tract of real property that is owned by the political  
5 subdivision.

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

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

17 (e) The political subdivision must post a notice of intent  
18 to sell the real property in a newspaper of general circulation, not  
19 less than once, at least 14 days before the date the political  
20 subdivision accepts an offer produced by a broker.

21 (f) The political subdivision may sell a tract of real  
22 property under this section without complying with the requirements  
23 of Section 272.001.

24 SECTION 3. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2017.

ADOPTED

MAY 22 2017

*Leta J. Paul*  
Secretary of the Senate

By: Anchia Huffines

H.B. No. 3178

Substitute the following for H.B. No. 3178:

By: *Don Huffines*

C.S. H.B. No. 3178

A BILL TO BE ENTITLED

AN ACT

relating to the use of a broker for the sale or lease of real property by the Dallas County Hospital District.

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

SECTION 1. Subchapter C, Chapter 281, Health and Safety Code, is amended by adding Section 281.059 to read as follows:

Sec. 281.059. DALLAS COUNTY HOSPITAL DISTRICT; BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) In this section:

(1) "Broker" means a person licensed as a broker under Chapter 1101, Occupations Code.

(2) "District" means the Dallas County Hospital District.

(b) Except as provided by Subsection (c), the Dallas County Hospital District may contract with a broker to lease or sell a tract of real property that is owned by the district.

(c) The district may not contract with a broker who is related within the third degree of consanguinity, as determined under Chapter 573, Government Code, to:

(1) a member of the board of hospital managers of the district; or

(2) a public official who serves on the Dallas County Commissioners Court.

(d) The district may pay a fee if a broker produces a ready,

1 willing, and able buyer to purchase a tract of real property.

2 (e) If a contract made under Subsection (b) requires a  
3 broker to list the tract of real property for sale for at least 30  
4 days with a multiple-listing service used by other brokers in the  
5 county in which the real property is located, the district, on or  
6 after the 30th day after the date the property is listed, may sell  
7 the tract of real property to a ready, willing, and able buyer who  
8 is produced by any broker, including a broker described by  
9 Subsection (c), using the multiple-listing service and who submits  
10 the most advantageous offer.

11 (f) The district must post a notice of intent to sell the  
12 real property in a newspaper of general circulation, not less than  
13 once, at least 14 days before the date the district accepts an offer  
14 produced by a broker.

15 (g) The district may sell a tract of real property under  
16 this section without complying with the requirements of Section  
17 272.001, Local Government Code.

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2017.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 23, 2017**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3178** by Anchia (Relating to the use of a broker for the sale or lease of real property by the Dallas County Hospital District.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to authorize certain political subdivisions to contract with a broker to lease or sell tract of real property that is owned by the political subdivision. It authorizes for payment of a fee upon production of a ready, willing, and able buyer. It requires notice to sell and exempts these sales from certain other statutory requirements.

The bill would take effect immediately if it receives a vote of two-thirds of each house. If the bill does not receive the vote necessary for immediate effect, it would take effect September 1, 2017.

**Local Government Impact**

According to the Dallas County Hospital District, the bill would have no significant fiscal impact.

**Source Agencies:**

**LBB Staff:** UP, SD, JGA, GG, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 15, 2017**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3178** by Anchia ( Relating to the use of a broker for the sale or lease of real property by the Dallas County Hospital District.), **Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to authorize certain political subdivisions to contract with a broker to lease or sell tract of real property that is owned by the political subdivision. It authorizes for payment of a fee upon production of a ready, willing, and able buyer. It requires notice to sell and exempts these sales from certain other statutory requirements.

The bill would take effect immediately if it receives a vote of two-thirds of each house. If the bill does not receive the vote necessary for immediate effect, it would take effect September 1, 2017.

**Local Government Impact**

According to the Dallas County Hospital District, the bill would have no significant fiscal impact.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 8, 2017**

**TO:** Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3178** by Anchia (Relating to the use of a broker for the exchange of land by certain political subdivisions.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to authorize certain political subdivisions to contract with a broker to lease or sell tract of real property that is owned by the political subdivision. It authorizes for payment of a fee upon production of a ready, willing, and able buyer. It requires notice to sell and exempts these sales from certain other statutory requirements.

The bill would take effect immediately if it receives a vote of two-thirds of each house. If the bill does not receive the vote necessary for immediate effect, it would take effect September 1, 2017.

**Local Government Impact**

According to the Texas Municipal League, no significant fiscal impact to municipalities is anticipated.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, GP



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 27, 2017**

**TO:** Honorable Carol Alvarado, Chair, House Committee on Urban Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3178** by Anchia ( Relating to the use of a broker for the exchange of land by certain political subdivisions.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to authorize certain political subdivisions to contract with a broker to lease or sell tract of real property that is owned by the political subdivision. It authorizes for payment of a fee upon production of a ready, willing, and able buyer. It requires notice to sell and exempts these sales from certain other statutory requirements.

The bill would take effect immediately if it receives a vote of two-thirds of each house. If the bill does not receive the vote necessary for immediate effect, it would take effect September 1, 2017.

**Local Government Impact**

According to the Texas Municipal League, no significant fiscal impact to municipalities is anticipated.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, GP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 17, 2017**

**TO:** Honorable Carol Alvarado, Chair, House Committee on Urban Affairs

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3178** by Anchia (Relating to the use of a broker for the exchange of land by a political subdivision.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to authorize political subdivisions to contract with a broker to lease or sell tract of real property that is owned by the political subdivision. It authorizes for payment of a fee upon production of a ready, willing, and able buyer. It requires notice to sell and exempts these sales from certain other statutory requirements. It removes two existing authorizations to sell real property through brokers.

The bill would take effect immediately if it receives a vote of two-thirds of each house. If the bill does not receive the vote necessary for immediate effect, it would take effect September 1, 2017.

**Local Government Impact**

According to the Texas Municipal League, no significant fiscal impact to municipalities is anticipated.

**Source Agencies:**

**LBB Staff:** UP, JGA, GG, GP