

1-1 By: Herrero (Senate Sponsor - Hinojosa) H.B. No. 4844
1-2 (In the Senate - Received from the House May 1, 2023;
1-3 May 1, 2023, read first time and referred to Committee on Local
1-4 Government; May 17, 2023, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Bettencourt	X		
1-9	Springer	X		
1-10	Eckhardt	X		
1-11	Gutierrez	X		
1-12	Hall	X		
1-13	Nichols	X		
1-14	Parker	X		
1-15	Paxton	X		
1-16	West	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the use of a broker for the sale of real property by the
1-20 Nueces County Hospital District.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter C, Chapter 281, Health and Safety
1-23 Code, is amended by adding Section 281.061 to read as follows:

1-24 Sec. 281.061. NUECES COUNTY HOSPITAL DISTRICT; BROKER
1-25 AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) In this
1-26 section:

1-27 (1) "Broker" means a person licensed as a broker under
1-28 Chapter 1101, Occupations Code.

1-29 (2) "District" means the Nueces County Hospital
1-30 District.

1-31 (3) "Fair market value" means the price that a
1-32 property would bring in an arms-length transaction when offered for
1-33 sale by a person who wishes, but is not obliged, to sell the
1-34 property and when bought by a person who is under no necessity of
1-35 buying the property. The value shall be determined as if the
1-36 property were available for immediate possession and for use for
1-37 any reasonable purpose.

1-38 (b) Except as provided by Subsection (c), the Nueces County
1-39 Hospital District may contract with a broker to sell a tract of real
1-40 property that is owned by the district.

1-41 (c) The district may not contract with a broker who is
1-42 related within the third degree of consanguinity or affinity, as
1-43 determined under Chapter 573, Government Code, to:

1-44 (1) a member of the board of hospital managers of the
1-45 district; or

1-46 (2) a public official who serves on the Nueces County
1-47 Commissioners Court.

1-48 (d) The district may pay a fee if a broker produces a ready,
1-49 willing, and able buyer to purchase a tract of real property.

1-50 (e) If a contract made under Subsection (b) requires a
1-51 broker to list the tract of real property for sale for at least 30
1-52 days with a multiple-listing service used by other brokers in the
1-53 county in which the real property is located, the district, on or
1-54 after the 30th day after the date the property is listed, may sell
1-55 the tract of real property to a ready, willing, and able buyer who
1-56 is produced by any broker with whom the district may contract under
1-57 Subsection (c) using the multiple-listing service and who submits
1-58 the most advantageous offer.

1-59 (f) The district must post a notice of intent to sell the
1-60 real property in a newspaper of general circulation, not less than
1-61 once, at least 30 days before the date the district accepts an offer

produced by a broker.

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

(h) The district may not sell a tract of real property under this section for less than the fair market value of the tract of real property, as determined by an independent appraisal prepared by an appraiser certified under Chapter 1103, Occupations Code, and obtained by the district in accordance with Subsection (j).

(i) The district may not sell a tract of real property under this section to a buyer who:

(1) is related within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to:

(A) a member of the board of hospital managers of the district;

(B) a public official who serves on the Nueces County Commissioners Court; or

(C) the broker for the sale; or

(2) has a business or financial relationship with a member of the board of hospital managers of the district or a public official who serves on the Nueces County Commissioners Court that could reasonably be expected to materially and adversely affect the judgment of the member or public official.

(j) The district may not obtain an appraisal under Subsection (h) from an appraiser who is related within the third degree of consanguinity or affinity, 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 Nueces County Commissioners Court.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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