

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2382
By: Moody (Blanco)
Local Government
5/19/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 85th Legislature passed H.B. 3178, granting Dallas County Hospital District the authority to contract with a broker to sell the hospital district's real property. El Paso County Hospital District (district) is requesting the same authority.

Currently, the district does not have the authority to contract with a broker to sell a tract of real property that is owned by the subdivision. Granting the district this authority would simplify the process for selling or leasing property and could potentially yield the best value, as the marketing through a broker would be to a more targeted audience.

This Act amends Section 281.060, Health and Safety Code, to grant the district the ability to sell real property with the use of a broker so long as the broker is not within the third degree of consanguinity of the hospital district.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 2382 amends current law relating to the operations and administration of the El Paso County Hospital District.

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 Subchapter C, Chapter 281, Health and Safety Code, by adding Section 281.060, as follows:

Sec. 281.060. EL PASO COUNTY HOSPITAL DISTRICT; BROKER AGREEMENTS AND FEES FOR SALE OF REAL PROPERTY. (a) Defines "broker" and "district."

(b) Authorizes the El Paso County Hospital District (district), except as provided by Subsection (c), to contract with a broker to sell a tract of real property that is owned by the district.

(c) Prohibits the district from contracting with a broker who is related within the third degree of consanguinity, as determined under Chapter 573 (Degrees of Relationship; Nepotism Prohibitions), Government Code, to a member of the board of hospital managers of the district or to a public official who serves on the El Paso County Commissioners Court.

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

(e) Authorizes the district, if a contract made under Subsection (b) requires a broker to list the tract of real property for sale for at least 30 days with a multiple-listing service used by other brokers in the county in which the real

property is located, 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, including a broker described by Subsection (c), using the multiple-listing service and who submits the most advantageous offer.

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

(g) Authorizes the district to sell a tract of real property under this section without complying with the requirements of Section 272.001 (Notice of Sale or Exchange of Land by Political Subdivision; Exceptions), Local Government Code.

SECTION 2. Repealer: Section 281.0221 (Term Limit), Health and Safety Code.

SECTION 3. Effective date: upon passage or September 1, 2021.