

By: Brimer

S.B. No. 336

A BILL TO BE ENTITLED

AN ACT

relating to the notice required for the lease of real property by certain counties when responding to particular emergency circumstances.

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

SECTION 1. Subsection (e), Section 263.007, Local Government Code, is amended by amending Subdivision (3) and adding Subdivision (4) to read as follows:

(3) Except as provided by Subdivision (4), a ~~[If the]~~ commissioners court of a county that chooses to lease under this subsection~~[, the commissioners court]~~ shall declare its intent to do so through written notice posted in the same place and manner as the commissioners court posts its regular meeting agenda not later than 30 days prior to the beginning of the lease period. In setting the terms and conditions of the lease, including but not limited to the amount of the lease payment, the commissioners court may consider local business custom regarding leases and the reasonable market value of the leasehold, but the commissioners court is not bound thereby and may also consider the extent to which the provision of services or the other activities to be performed by the lessee will benefit the public. This subsection does not limit the ability of a commissioners court to enter into interlocal agreements, contracts, or any other arrangement permitted by law.

(4) The 30-day posting period provided by Subdivision

1 (3) does not apply to a lease under Subdivision (1) or (2) if:

2 (A) the duration of the lease is 95 days or less;

3 and

4 (B) the lease is to provide short-term emergency
5 disaster relief services to persons as a result of a disaster in the
6 county or to evacuees from another area as a result of an emergency
7 evacuation from that area.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2007.