

By: Brimer

S.B. No. 336

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

24 (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.