

1-1 By: Brimer S.B. No. 336
1-2 (In the Senate - Filed January 26, 2007; February 14, 2007,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; February 26, 2007, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; February 26, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the notice required for the lease of real property by
1-10 certain counties when responding to particular emergency
1-11 circumstances.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (e), Section 263.007, Local
1-14 Government Code, is amended by amending Subdivision (3) and adding
1-15 Subdivision (4) to read as follows:

1-16 (3) Except as provided by Subdivision (4), a [If the]
1-17 commissioners court of a county that chooses to lease under this
1-18 subsection[~~, the commissioners court~~] shall declare its intent to
1-19 do so through written notice posted in the same place and manner as
1-20 the commissioners court posts its regular meeting agenda not later
1-21 than 30 days prior to the beginning of the lease period. In setting
1-22 the terms and conditions of the lease, including but not limited to
1-23 the amount of the lease payment, the commissioners court may
1-24 consider local business custom regarding leases and the reasonable
1-25 market value of the leasehold, but the commissioners court is not
1-26 bound thereby and may also consider the extent to which the
1-27 provision of services or the other activities to be performed by the
1-28 lessee will benefit the public. This subsection does not limit the
1-29 ability of a commissioners court to enter into interlocal
1-30 agreements, contracts, or any other arrangement permitted by law.

1-31 (4) The 30-day posting period provided by Subdivision
1-32 (3) does not apply to a lease under Subdivision (1) or (2) if:

1-33 (A) the duration of the lease is 95 days or less;
1-34 and

1-35 (B) the lease is to provide short-term emergency
1-36 disaster relief services to persons as a result of a disaster in the
1-37 county or to evacuees from another area as a result of an emergency
1-38 evacuation from that area.

1-39 SECTION 2. This Act takes effect immediately if it receives
1-40 a vote of two-thirds of all the members elected to each house, as
1-41 provided by Section 39, Article III, Texas Constitution. If this
1-42 Act does not receive the vote necessary for immediate effect, this
1-43 Act takes effect September 1, 2007.

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