

BILL ANALYSIS

Senate Research Center
85R3088 DMS-F

S.B. 334
By: West
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 263, Local Government Code, governs the sale or lease of property by counties. While counties may currently use a third party (real estate broker) to sell property, they cannot use a third party to lease property.

Interested parties believe that counties would benefit from access to a licensed professional who could list a property for lease through the multiple-listing service and use their network of contacts to better advertise a property than the county could through its own website and available advertising venues.

Accordingly, S.B. 334 gives counties the authority to use a broker to lease property.

As proposed, S.B. 334 amends current law relating to broker agreements for the leasing of real property owned by a county.

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 Sections 263.008(b), (c), (d), and (e), Local Government Code, as follows:

(b) Authorizes a county commissioners court to contract with a broker to sell or lease, rather than contract with a broker to sell, a tract of real property owned by the county.

(c) Authorizes the commissioners court to pay a fee if a broker produces a ready, willing, and able buyer or lessee to purchase or lease a tract of real property, rather than if a broker produces a ready, willing, and able buyer to purchase the tract of real property.

(d) Authorizes the court to sell or lease the tract of real property to a ready, willing, and able buyer or lessee who meets certain criteria, on or after the 30th day if a contract requires a broker to list the tract of real property for sale or lease for at least 30 days with a listing service used by other brokers in the county.

(e) Authorizes a court to sell or lease a tract of real property without complying with the requirements for conducting a public auction, including the requirements prescribed by Section 263.001 (Sale or Lease of Real Property).

SECTION 2. Effective date: upon passage or September 1, 2017.