

BILL ANALYSIS

Senate Research Center

H.B. 1288
By: Rose (West)
Administration
7/31/2017
Enrolled

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, this legislation gives counties the authority to use a broker to lease property. (Original Author's / Sponsor's Statement of Intent)

H.B. 1288 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 the commissioners court of a county to contract with a broker to sell or lease, rather than to sell, a tract of real property that is owned by the county.

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

(d) and (e) Makes conforming changes.

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