

## **BILL ANALYSIS**

Senate Research Center

S.B. 1843  
By: Harris  
Intergovernmental Relations  
4-14-97  
As Filed

### **DIGEST**

Currently, under Texas law, it is unclear whether two or more cities can join together and use proceeds from the half-cent sales tax for economic development to construct and operate facilities such as a library or emergency medical services facility. In some areas in Texas, the ability of small cities to pool their resources may enable them to better serve the citizens in all their respective communities, and help save taxpayer money. This bill is intended to clarify a city's ability to use proceeds from the half-cent sales tax for economic development to jointly construct and operate facilities.

### **PURPOSE**

As proposed, S.B. 1843 authorizes public entities to join together in the planning, acquisition, financing, construction, ownership, operating, and maintenance of public facilities.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 10, Local Government Code, by adding Chapter 344, as follows:

#### **CHAPTER 344. JOINT OWNERSHIP OF PUBLIC FACILITIES**

Sec. 334.001. Provides that the purpose of this chapter is to clarify and make definitive and secure the right and authority of public entities to join together as co-tenants or co-owners in the planning, financing, acquisition, construction, ownership, operating, and maintenance of public facilities as a means of achieving economies of scale and making more efficient use of public resources.

Sec. 334.002. Defines "public entities" and "public facilities."

Sec. 334.003. Provides that two or more public entities are authorized to join together to finance, acquire, construct, operate, and maintain public facilities and to enter into agreements for the planning, financing, acquisition, construction, ownership, operation, and maintenance of such public facilities so the same (or an undivided interest therein) will be jointly owned as co-tenants or co-owners with certain ownership interests. Sets forth provisions regarding the rights, powers, and liabilities of a public entity, and regarding agreements between public entities relating to certain public facilities.

Sec. 334.004. Sets forth the rights and powers of each public entity regarding certain public facilities.

Sec. 334.005. Requires the powers and duties herein granted to public entities to be in addition to and in substitution for any powers and authority granted to public entities under the laws of this state, and requires the exercise by any public entities of the powers and authority granted hereby and the performance or effectuation of any agreements entered into pursuant to the provisions hereof to be deemed to constitute addition public purposes of such

public entities, notwithstanding the existence of any expressed or implied limitations of the powers, authority, or purposes under any other general or special laws or charter provisions.

SECTION 2. Severability clause.

SECTION 3. Emergency clause.  
Effective date: upon passage.