

BILL ANALYSIS

Senate Research Center
82R6356 JTS-D

S.B. 760
By: West
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 791 (Interlocal Cooperation Contracts), Government Code, governs the ability of local governments to enter into contracts with other entities. The purpose of this chapter is to increase the efficiency and effectiveness of local governments by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state. While the Texas Legislature has encouraged municipalities and counties to jointly provide services through the use of the Act, specific provisions have limited its use by local governments, specifically Section 791.011(f), Government Code, which contains a requirement that contracts must be "renewed annually."

As a result, many cities and counties only use this statute to provide for the financing of short-term projects and do not use it to undertake long-term projects, such as jointly constructing infrastructure and other facilities. S.B. 760 resulted from an interim recommendation of the Senate Intergovernmental Relations Committee and allows for a more effective use of Chapter 791, Government Code, by specifically stating that contracts between municipal and county governments can be for a specified term of years.

As proposed, S.B. 760 amends current law relating to the term of interlocal contracts.

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 Section 791.011, Government Code, by adding Subsection (i), as follows:

- (i) Authorizes an interlocal contract between municipalities or counties to have a specified term of years, notwithstanding Subsections (d) (requiring an interlocal contract to meet certain requirements) and (f) (authorizing an interlocal contract to be renewed annually).

SECTION 2. Provides that this Act takes effect on the date on which the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, to authorize the legislature to allow cities or counties to enter into interlocal contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund is approved by the voters. Provides that this Act has no effect if that amendment is not approved by the voters.