

BILL ANALYSIS

Senate Research Center

S.B. 1334
By: Hinojosa
Transportation
5/24/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The United States Customs and Border Protection's (CBP) Donations Acceptance Program (DAP) was established in fiscal year 2015 to explore, foster, and facilitate partnerships for port of entry infrastructure and technology improvements. Federal law authorizes CBP and the United States General Services Administration to accept donations of real property, personal property, money, and non-personal services from private sector and governmental entities. However, local governmental entities have been notified by the Texas Attorney General's Office that current law does not permit the approval of the issuance of bonds to any city if the asset will ultimately be donated to the federal government.

S.B. 1334 would seek to address this issue by adding a provision in the Texas Transportation Code that would authorize municipalities with toll bridges to issue bonds for the purposes of donating the property or a building, structure, or other facility to the United States. It should be noted that in many cases, these toll bridges are owned by the municipalities and are considered a formal department within the municipal organization, but infrastructure development for toll bridges is much different than municipal brick and mortar development. S.B. 1334 will allow for local governmental entities to invest in port of entry infrastructure that can provide greater efficiency in the cross-border movement of people and goods and better accommodate future growth.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1334 amends current law relating to the lease, rental, and donation to the United States of certain facilities relating to a toll bridge by certain counties and municipalities.

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 Subchapter A, Chapter 364, Transportation Code, by adding Section 364.005, as follows:

Sec. 364.005. LEASE, RENTAL, OR DONATION OF FACILITY TO UNITED STATES. (a) Authorizes a county to lease, rent, or donate to the United States property or a building, structure, or other facility acquired, constructed, improved, enlarged, or equipped in whole or in part with proceeds from the sale of bonds issued by a county under Chapter 364 (Toll Bridges in Counties Bordering the Rio Grande).

(b) Provides that the acquisition, construction, improvement, enlargement, or equipment by a county of property or a building, structure, or other facility for lease to and the donation of property or a building, structure, or other facility by a county to the United States for use in performing a federal governmental function in the county or at or near and relating to a toll bridge of the county is a public purpose and proper county function, regardless of whether the toll bridge or the federal facility relating to the toll bridge is located inside or outside the county.

SECTION 2. Amends Section 364.043(a), Transportation Code, as follows:

(a) Authorizes the county to use bonds or the proceeds of the sale of bonds to acquire, construct, improve, enlarge, or equip in whole or in part a toll bridge or a related building, structure, or other facility, rather than to acquire a toll bridge, under Chapter 364 or to exchange bonds for property to accomplish the purposes of Chapter 364.

SECTION 3. Amends Section 367.012, Transportation Code, to include the donation of property or a building, structure, or other facility by a municipality to the United States for use in performing a federal governmental function in the municipality or at or near and relating to a toll bridge of the municipality as a public purpose and a proper municipal function, regardless of whether the toll bridge or the federal facility relating to the toll bridge is located inside or outside the municipality.

SECTION 4. Amends Section 367.013, Transportation Code, as follows:

Sec. 367.013. New heading: LEASE, RENTAL, OR DONATION OF FACILITY TO UNITED STATES. Authorizes a municipality to lease, rent, or donate, rather than to lease or rent, to the United States property or a building, structure, or other facility acquired, constructed, improved, enlarged, or equipped in whole or in part with proceeds from the sale of bonds issued under Subchapter A (General Authority Relating to Toll Bridges).

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2021.