

By: Powell

S.B. No. 338

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the adoption of uniform general conditions for building
3 construction contracts entered into by school districts and the
4 composition of the committee that reviews uniform general
5 conditions.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter B, Chapter 44, Education Code, is
8 amended by adding Section 44.035 to read as follows:

9 Sec. 44.035. ADOPTION OF UNIFORM GENERAL CONDITIONS FOR
10 SCHOOL DISTRICT BUILDING CONSTRUCTION CONTRACTS. After reviewing
11 the uniform general conditions adopted by the Texas Facilities
12 Commission under Section 2166.302, Government Code, a school
13 district may adopt uniform general conditions to be incorporated in
14 all district building construction contracts.

15 SECTION 2. Section 2166.305(b), Government Code, is amended
16 to read as follows:

17 (b) A committee appointed by the commission shall perform
18 the review. The committee consists of:

19 (1) the director of facilities construction and space
20 management appointed under Section 2152.104, who serves as the
21 presiding officer of the committee;

22 (2) six individuals appointed by the commission, one
23 each from the lists of nominees submitted respectively by the:

24 (A) president of the Texas Society of Architects;

1 (B) president of the Texas Society of
2 Professional Engineers;

3 (C) presiding officer of the Executive Council of
4 the Texas Associated General Contractors Chapters;

5 (D) executive secretary of the Mechanical
6 Contractors Associations of Texas, Incorporated;

7 (E) executive secretary of the Texas Building and
8 Construction Trades Council; and

9 (F) president of the Associated Builders and
10 Contractors of Texas;

11 (3) one individual appointed by the commission
12 representing an institution of higher education, as defined by
13 Section 61.003, Education Code;

14 (4) one individual appointed by the commission
15 representing a state agency that has a substantial ongoing
16 construction program;

17 (5) one individual appointed by the commission
18 representing the attorney general's office;

19 (6) one individual appointed by the commission
20 representing the interests of historically underutilized
21 businesses; ~~and~~

22 (7) two individuals appointed by the commission, each
23 representing a different minority contractors association;

24 (8) one individual appointed by the commission
25 representing the Texas Association of School Boards; and

26 (9) one individual appointed by the commission
27 representing the Texas Association of School Administrators.

1 SECTION 3. Not later than December 1, 2021, the Texas
2 Facilities Commission shall appoint two additional members to the
3 committee in accordance with Section 2166.305(b), Government Code,
4 as amended by this Act.

5 SECTION 4. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2021.