

BILL ANALYSIS

C.S.H.B. 2887
By: Van Arsdale
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Federal and state environmental regulations require districts and other entities to install erosion and sediment controls during a construction project. These controls are temporary measures designed to reduce the amount of storm water flow while the construction is in process.

To comply with these requirements, most entities, including districts, contract with professionals to install, inspect and remove the control devices as well as certify compliance with federal and state laws. Most of these contracts are in the range of \$15,000 to \$20,000 and rarely exceed \$50,000. Because complying with the storm water management regulations requires control measures to be installed, (i.e. silt fencing), some districts are concerned this would involve construction, even though the measures are temporary, and, as such, would trigger the competitive bidding requirements.

C.S.H.B. 2887 clarifies that a district, regulated by Chapter 49 of the Water Code, may contract directly for services related to complying with construction storm water management regulations without receiving competitive bids.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2887 amends Chapter 49 of the Water Code by adding Section 49.278 which provides that the subsection does not apply to services or contracts for services related to compliance with any state or federal construction storm water requirements.

The bill also provides that this section does not apply to a contract executed on or after the effective date.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect on September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 2887 clarifies which services are to be included in the nonapplicability provision. The substitute is also a legislative council draft.

C.S.H.B. 2887 also provides that this section does not apply to a contract executed on or after the effective date.

