

BILL ANALYSIS

S.B. 1729
By: Lindsay
Natural Resources
Committee Report (Amended)

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 only rarely will 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 that this would involve construction, even though the measures are temporary, and, as such, would trigger the competitive bidding requirements.

SB 1729 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

SECTION 1. Amends Chapter 49 of the Water Code by adding Section 49.278:

(6) provides that the subsection does not apply to services or contract for services related to compliance with any State or Federal construction storm water requirements and specifically lists those services.

SECTION 2. Effective Date.

EFFECTIVE DATE

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

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1 specifies that the change in law made by this Act applies only to a contract executed on or after the effective date of this Act.