

By: Phillips

H.B. No. 2137

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the construction or improvement of buildings by the
3 Texas Department of Transportation.

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

5 SECTION 1. Section 221.001(1), Transportation Code, is
6 amended to read as follows:

7 (1) "Highway" includes a public road or part of a
8 public road and a bridge, culvert, building, or other necessary
9 structure related to a public road.

10 SECTION 2. Section 2166.302, Government Code, is amended by
11 amending Subsection (a) and adding Subsection (c) to read as
12 follows:

13 (a) Except as provided by Subsections [~~Subsection~~] (b) and
14 (c), the commission shall adopt uniform general conditions to be
15 incorporated into all building construction contracts made by the
16 state, including a contract for a project excluded from this
17 chapter by Section 2166.003, but not including a contract for a
18 project excluded from this chapter by Section 2166.004.

19 (c) Subsection (a) does not apply to a project constructed
20 by and for the Texas Department of Transportation.

21 SECTION 3. The changes in law made by this Act to Section
22 2166.302, Government Code, apply only to a contract for which the
23 Texas Department of Transportation first advertises or otherwise
24 solicits bids, proposals, offers, or qualifications on or after the

1 effective date of this Act. A contract for which the Texas
2 Department of Transportation first advertised or otherwise
3 solicited bids, offers, or qualifications before that date is
4 governed by the law in effect when the first advertisement or
5 solicitation was given, and the former law is continued in effect
6 for that purpose.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.