

By: Kent

H.B. No. 2355

A BILL TO BE ENTITLED

AN ACT

relating to the purchase of cement or cement products by certain governmental entities.

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

SECTION 1. Subchapter E, Chapter 382, Health and Safety Code, is amended by adding Section 382.116 to read as follows:

Sec. 382.116. AUTHORITY OF GOVERNMENTAL AGENCIES WITH REGARD TO CEMENT PURCHASING. Notwithstanding any other law, a municipality under Section 252.043, Local Government Code, a county under Section 262.027, Local Government Code, a governmental agency under Section 271.907, Local Government Code, and a school district under Section 44.031, Education Code, may implement procurement policies with respect to the purchase of cement relating to the cement manufacturing processes and the air contaminant emissions associated with the manufacture of the cement.

SECTION 2. Section 252.043, Local Government Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) In addition to the criteria listed in Subsections (a) and (b), when awarding a contract for the purchase of cement or for construction services requiring the purchase and use of cement or cement products, a municipality may also consider the impact of the cement's manufacture on air quality in the municipality, including by considering:

(1) the manufacturing process used for the cement; and

1 (2) the air contaminant emissions associated with the
2 manufacture of the cement.

3 SECTION 3. Section 262.027, Local Government Code, is
4 amended by amending Subsection (a) and adding Subsection (e-1) to
5 read as follows:

6 (a) The officer in charge of opening the bids shall present
7 them to the commissioners court in session. Except as provided by
8 Subsections [Subsection] (e) and (e-1), the court shall:

9 (1) award the contract to the responsible bidder who
10 submits the lowest and best bid; or

11 (2) reject all bids and publish a new notice.

12 (e-1) When awarding a contract for the purchase of cement or
13 for construction services requiring the purchase and use of cement
14 or cement products, the commissioners court may consider the impact
15 of the cement's manufacture on air quality in the county, including
16 by considering:

17 (1) the manufacturing process used for the cement; and

18 (2) the air contaminant emissions associated with the
19 manufacture of the cement.

20 SECTION 4. Section 271.907, Local Government Code, is
21 amended by amending Subsection (d) and adding Subsection (c-1) to
22 read as follows:

23 (c-1) In addition to the considerations under Subsection
24 (c), a governmental entity procuring cement may give a preference
25 to cement from a vendor based on:

26 (1) the manufacturing process used for the vendor's
27 cement; or

1 (2) the air contaminant emissions associated with the
2 manufacture of the vendor's cement.

3 (d) The preferences authorized by this section [~~preference~~]
4 may be given only if the cost to the governmental agency for the
5 entire project for which the goods or services will be used would
6 not exceed 105 percent of the cost of the entire project if goods or
7 services provided by a vendor who does not meet the standards were
8 used.

9 SECTION 5. Section 44.031, Education Code, is amended by
10 adding Subsection (b-2) to read as follows:

11 (b-2) In addition to the criteria listed in Subsection (b),
12 when awarding a contract for the purchase of cement or for
13 construction services requiring the purchase and use of cement or
14 cement products, a district may also consider the impact of the
15 cement's manufacture on air quality in the municipality in which
16 the district is located, including by considering:

- 17 (1) the manufacturing process used for the cement; and
18 (2) the air contaminant emissions associated with the
19 manufacture of the cement.

20 SECTION 6. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2009.