

By: Murphy

H.B. No. 611

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain professional services by certain governmental entities.

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

SECTION 1. The heading to Subtitle E, Title 10, Government Code, is amended to read as follows:

SUBTITLE E. GOVERNMENT RESOURCES [~~PROPERTY~~]

SECTION 2. Subtitle E, Title 10, Government Code, is amended by adding Chapter 2202 to read as follows:

CHAPTER 2202. LIMITATION ON USE OF GOVERNMENT SERVICES

Sec. 2202.001. DEFINITION; APPLICABILITY. (a) In this chapter, "governmental entity" means:

(1) a state agency; or

(2) a municipality, county, or special district or authority.

(b) This chapter applies only to commercially available services that consist of:

(1) the practice of engineering within the meaning of Chapter 1001, Occupations Code;

(2) the practice of architecture within the meaning of Chapter 1051, Occupations Code;

(3) construction services; or

(4) construction management services.

Sec. 2202.002. LIMITATION ON PROVISION OF CERTAIN

1 PROFESSIONAL SERVICES BY GOVERNMENTAL ENTITY. (a) A governmental
2 entity may not provide, through its officers or employees, a
3 commercially available service for an improvement to real property
4 that is not owned or leased by the entity.

5 (b) This section does not apply to a public calamity or
6 emergency that requires the provision of services prohibited under
7 this section to preserve life, health, safety, welfare, or
8 property.

9 Sec. 2202.003. COST ACCOUNTING REQUIRED FOR CERTAIN
10 GOVERNMENTAL ENTITIES. (a) This section does not apply to a
11 municipality, county, or special district or authority with a
12 population of 50,000 or less.

13 (b) A governmental entity that provides, through its
14 officers or employees, a commercially available service for an
15 improvement to real property owned or leased by the entity shall
16 provide and make available to the public an accounting of the cost
17 of performing that service.

18 (c) In performing the cost accounting required under this
19 section, the governmental entity must:

20 (1) calculate the cost using the same allocation
21 method required for private providers of the service provided; and

22 (2) conduct the analysis with the goal of identifying
23 the full cost to the entity, including all direct and indirect
24 costs, of supplying the service.

25 (d) The comptroller may prescribe uniform accounting
26 procedures that governmental entities may use in preparing cost
27 accounting calculations required under this section.

1 SECTION 3. (a) The change in law made by Section 2202.002,
2 Government Code, as added by this Act, does not apply to services
3 provided on or after September 1, 2011, under a contract for
4 services entered into before that date.

5 (b) The change in law made by Section 2202.003, Government
6 Code, as added by this Act, applies only to services provided under
7 a contract entered into on or after September 1, 2011, or, in the
8 absence of a contract, provided on or after that date.

9 SECTION 4. This Act takes effect September 1, 2011.