

By: Callegari

H.B. No. 2729

A BILL TO BE ENTITLED

AN ACT

relating to local government authority to develop public infrastructure and facilities.

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

SECTION 1. Subchapter Z, Chapter 271, Local Government Code, is amended by adding Section 271.908 to read as follows:

Sec. 271.908. CONTRACTS OF CERTAIN LOCAL GOVERNMENTAL ENTITIES. (a) In this section, "local governmental entity" and "civil works project" have the meanings assigned by Section 271.181.

(b) In this section, "facility" means an improvement to real property.

(c) A local governmental entity may contract with a private entity to act as the local governmental entity's agent in the design, development, financing, maintenance, operation, or construction, including oversight and inspection, of a facility or civil works project.

(d) A local governmental entity entering into a contract under this subchapter shall:

(1) select a private entity on the basis of the private entity's qualifications and experience; and

(2) enter into a project development agreement with the private entity.

(e) A private entity selected shall comply with Chapter

1 1001, Occupations Code, and all laws related to procuring
2 engineering services and construction bidding that are applicable
3 to the local governmental entity that selected the private entity.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2011.