

By: Wentworth

S.B. No. 1101

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 board, commission, department, office, or other agency of this state, including an institution of higher education as defined by Section 61.003, Education Code;

(2) a special district or authority with a governing board appointed by the governor; or

(3) a regional planning commission under Chapter 391, Local Government Code.

(b) This chapter applies only to commercially available services, other than project management 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

1 Chapter 1051, Occupations Code;

2 (3) construction services;

3 (4) construction management services; or

4 (5) environmental document preparation services.

5 Sec. 2202.002. LIMITATION ON PROVISION OF CERTAIN
6 PROFESSIONAL SERVICES BY GOVERNMENTAL ENTITY. (a) A governmental
7 entity may not provide, through its officers or employees, a
8 commercially available service for an improvement to real property
9 that is not owned or leased by the entity.

10 (b) This section does not apply to a public calamity or
11 emergency that requires the provision of services prohibited under
12 this section to preserve life, health, safety, welfare, or
13 property.

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

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