

By: Leach

H.B. No. 208

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of project design and construction requirements to agencies or instrumentalities of, or agreements between, governmental entities subject to those requirements.

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 271.909 to read as follows:

Sec. 271.909. PROJECT DESIGN AND CONSTRUCTION REQUIREMENTS APPLICABLE TO CERTAIN AGENCIES, INSTRUMENTALITIES, AND AGREEMENTS.

(a) In this section, "governmental entity" means a county, municipality, district, or other political subdivision of this state.

(b) The same state laws related to the design and construction of projects, including the procurement of design and construction services, that apply to a governmental entity apply to an agency or instrumentality of the governmental entity, an economic development corporation created by the governmental entity under Subtitle C1, Title 12, or an alliance, agreement, partnership, or agency created between the governmental entity and one or more other governmental entities.

(c) This section does not apply to:

(1) an expenditure made for an improvement:

(A) that is constructed in a reinvestment zone;

and

1 (B) the construction of which is managed by a
2 private venture participant;

3 (2) an expenditure made for an improvement connected
4 with a project of which more than 50 percent of the cost is funded by
5 a private entity;

6 (3) an expenditure described by Section 311.010(g),
7 Tax Code;

8 (4) an expenditure described by Section 431.110,
9 Transportation Code;

10 (5) an expenditure made for an improvement funded from
11 bond proceeds or a source other than taxes or assessments imposed by
12 a governmental entity;

13 (6) an expenditure made for an improvement under
14 Chapter 2267, Government Code;

15 (7) an interlocal contract under Subchapter B, Chapter
16 791, Government Code; or

17 (8) a local cooperative organization under Subchapter
18 F.

19 SECTION 2. The changes in law made by this Act affecting
20 contract requirements apply only to a contract for which an entity
21 first advertises or otherwise solicits bids, proposals, offers, or
22 qualifications or makes a similar solicitation on or after the
23 effective date of this Act. A contract for which an entity first
24 advertises or otherwise solicits bids, proposals, offers, or
25 qualifications or makes a similar solicitation before the effective
26 date of this Act is governed by the law in effect on the date the
27 advertisement or solicitation is made, and that law is continued in

1 effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2015.