

By: Powell  
(Lucio III)

S.B. No. 338

A BILL TO BE ENTITLED

AN ACT

relating to the adoption of uniform general conditions for building construction contracts entered into by school districts and the composition of the committee that reviews uniform general conditions.

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

SECTION 1. Subchapter B, Chapter 44, Education Code, is amended by adding Section 44.035 to read as follows:

Sec. 44.035. ADOPTION OF UNIFORM GENERAL CONDITIONS FOR SCHOOL DISTRICT BUILDING CONSTRUCTION CONTRACTS. After reviewing the uniform general conditions adopted by the Texas Facilities Commission under Section 2166.302, Government Code, a school district may adopt uniform general conditions to be incorporated in all district building construction contracts.

SECTION 2. Section 2166.305(b), Government Code, is amended to read as follows:

(b) A committee appointed by the commission shall perform the review. The committee consists of:

(1) the director of facilities construction and space management appointed under Section 2152.104, who serves as the presiding officer of the committee;

(2) six individuals appointed by the commission, one each from the lists of nominees submitted respectively by the:

(A) president of the Texas Society of Architects;

1 (B) president of the Texas Society of  
2 Professional Engineers;

3 (C) presiding officer of the Executive Council of  
4 the Texas Associated General Contractors Chapters;

5 (D) executive secretary of the Mechanical  
6 Contractors Associations of Texas, Incorporated;

7 (E) executive secretary of the Texas Building and  
8 Construction Trades Council; and

9 (F) president of the Associated Builders and  
10 Contractors of Texas;

11 (3) one individual appointed by the commission  
12 representing an institution of higher education, as defined by  
13 Section 61.003, Education Code;

14 (4) one individual appointed by the commission  
15 representing a state agency that has a substantial ongoing  
16 construction program;

17 (5) one individual appointed by the commission  
18 representing the attorney general's office;

19 (6) one individual appointed by the commission  
20 representing the interests of historically underutilized  
21 businesses; ~~and~~

22 (7) two individuals appointed by the commission, each  
23 representing a different minority contractors association;

24 (8) one individual appointed by the commission  
25 representing the Texas Association of School Boards; and

26 (9) one individual appointed by the commission  
27 representing the Texas Association of School Administrators.

1           SECTION 3. Not later than December 1, 2021, the Texas  
2 Facilities Commission shall appoint two additional members to the  
3 committee in accordance with Section 2166.305(b), Government Code,  
4 as amended by this Act.

5           SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2021.