

BILL ANALYSIS

Senate Research Center
76R6732 CAS-F

S.B. 1325
By: Gallegos
Education
5/3/1999
As Filed

DIGEST

Currently, Texas law requires a competitive bidding process for certain services, while certain other services, such as architects, attorneys, and such are exempt from the bidding process. School districts are required to aggregate purchasing contracts from all their campuses for purchases exceeding a certain amount. S.B. 1325 would establish provisions regarding school district contracts and bonds.

PURPOSE

As proposed, S.B. 1325 establishes provisions regarding school district contracts and bonds.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 44.031, Education Code, by amending Subsections (f) and (h) and adding Subsection (m), to provide that this section does not apply to certain professionals' fees received for professional services rendered. Requires the fees for those services to be determined as appropriate. Establishes that if certain school equipment or facilities are destroyed or severely damaged, or a result of some other unforeseen emergency or catastrophe, undergoes major operational or structural failure, and the board of trustees determines that the delay posed by the certain required methods would prevent or hamper the conduct of certain school functions, then contracts for the replacement or repairs may be made by a method other than those that are required. Provides that if a school district has formally adopted a campus-level planning and decision making process, under which campuses may make purchases, Subsection (a)-(c) and (g) apply to contracts for those purchases entered into by a district campus, except the campus shall publish notice in a newspaper that fulfills certain requirements. Establishes that the district is not required to aggregate and jointly award those contracts. Deletes text regarding competitive bidding.

SECTION 2. Amends Section 44.033, Education Code, by adding Subsection (e), to make conforming changes.

SECTION 3. Amends Section 1(1), Article 717q, V.T.C.S., to redefine "issuer."

SECTION 4. Amends Section 4.041, Article 717s, V.T.C.S., by adding Subsection (d), to establish that certain individuals within a corporation, in carrying out their corporate duties, have same liabilities and immunities as if the corporation were a part of the sponsor.

SECTION 5. Amends Section 1, Article 717w, V.T.C.S., by amending Subdivisions (6) and (7) and adding Subdivision (8), to define "eligible school district" and "redefine "issuer." Makes conforming changes.

SECTION 6. Amends Section 3, Article 717w, V.T.C.S., to authorize the governing body of an eligible school district to authorize anticipation notes for a described purpose.

SECTION 7. Amends Section 4(a), Article 717w, V.T.C.S., to establish that this section applies only to an eligible school district. Makes conforming changes.

SECTION 8. Amends Section 5, Article 717w, V.T.C.S., to make conforming changes.

SECTION 9. Amends Sections 6(e) - (h), Article 717w, V.T.C.S., to provide that anticipation notes issued by an eligible school district may not exceed 75 percent of the income of the district for the previous year. Makes conforming changes.

SECTION 10. Makes application of Section 44.031(f), Education Code, of this Act prospective.

SECTION 11. Makes application of Sections 44.031(m) and 44.031(e), Education Code, of this Act prospective.

SECTION 12. Provides that Section 4.041(d), Article 717s, V.T.C.S., applies to an act or omission of a public facility corporation or its employee regardless of when the act was taken or the omission occurred.

SECTION 13. Effective date: September 1, 1999.

SECTION 14. Emergency clause.