

BILL ANALYSIS

Senate Research Center
78R12657 MI-D

H.B. 2887
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Natural Resources
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Engrossed

DIGEST AND PURPOSE

Federal and state environmental regulations require water districts and other entities to install erosion and sediment controls during a construction project. These controls are temporary measures designed to reduce the amount of storm water flow while the construction is in process.

To comply with these requirements, most entities, including districts, contract with professionals to install, inspect, and remove the control devices as well as certify compliance with federal and state laws. Most of these contracts are in the range of \$15,000 to \$20,000 and rarely exceed \$50,000. Because complying with the storm water management regulations requires control measures to be installed (i.e., silt fencing), some districts are concerned this would involve construction, even though the measures are temporary, and, as such, would trigger competitive bidding requirements.

H.B. 2887 clarifies that a district regulated by Chapter 49 of the Water Code may contract directly for services related to complying with construction storm water management regulations without receiving competitive bids.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 49.278(a), Water Code, to provide that this subchapter does not apply to contracts for services related to compliance with a state or federal construction storm water requirement, including acquisition of permits, construction, repair, and removal of temporary erosion control devices, cleaning of silt and debris from streets and storm sewers, monitoring of construction sites, and preparation and filing of all required reports.

SECTION 2. (a) Effective date: upon passage or September 1, 2003.

(b) Makes application of this Act prospective.