

1-1 By: Kuempel, et al. (Senate Sponsor - Zaffirini) H.B. No. 2634
1-2 (In the Senate - Received from the House May 6, 2015;
1-3 May 15, 2015, read first time and referred to Committee on Business
1-4 and Commerce; May 22, 2015, reported favorably by the following
1-5 vote: Yeas 6, Nays 2; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9		X		
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16			X	

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the construction manager-at-risk used by a governmental
1-20 entity.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 2269.252, Government Code, is amended by
1-23 amending Subsection (b) and adding Subsection (c) to read as
1-24 follows:

1-25 (b) The governmental entity's architect or engineer for a
1-26 project, or an entity related to the governmental entity's
1-27 architect or engineer, may not serve, alone or in combination with
1-28 another person, as the construction manager-at-risk ~~[unless the~~
1-29 ~~architect or engineer is hired to serve as the construction~~
1-30 ~~manager-at-risk under a separate or concurrent selection process~~
1-31 ~~conducted in accordance with this subchapter]~~. This subsection
1-32 does not prohibit the governmental entity's architect or engineer
1-33 from providing customary construction phase services under the
1-34 architect's or engineer's original professional service agreement
1-35 in accordance with applicable licensing laws.

1-36 (c) For purposes of Subsection (b), an entity is related to
1-37 the governmental entity's architect or engineer if the entity is a
1-38 sole proprietorship, corporation, partnership, limited liability
1-39 company, or other entity that is a subsidiary, parent corporation,
1-40 or partner or has any other relationship in which the governmental
1-41 entity's architect or engineer has an ownership interest, or is
1-42 subject to common ownership or control, or is party to an agreement
1-43 by which it will receive any proceeds of the construction
1-44 manager-at-risk's payments from the governmental entity.

1-45 SECTION 2. This Act applies only to a contract for the
1-46 services of a construction manager-at-risk entered into on or after
1-47 the effective date of this Act. A contract entered into for the
1-48 services of a construction manager-at-risk before the effective
1-49 date of this Act is governed by the law in effect when the contract
1-50 was entered into, and the former law is continued in effect for that
1-51 purpose.

1-52 SECTION 3. This Act takes effect September 1, 2015.

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