

CHAPTER 1042

H.B. No. 2663

AN ACT

relating to the powers and duties of the commissioners court.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter B, Chapter 81, Local Government Code, is amended by adding Section 81.028 to read as follows:

Sec. 81.028. CERTAIN POWERS SPECIFIED. Each commissioners court may:

- (1) establish public ferries whenever the public interest may require;*
- (2) lay out and establish, change, discontinue, close, abandon, or vacate public roads and highways;*
- (3) build bridges and keep them in repair;*
- (4) appoint road overseers and apportion hands;*
- (5) exercise general control over all roads, highways, ferries, and bridges in their counties;*

(6) provide for the support of paupers, residents of their county, who are unable to support themselves. A county is obligated to provide health care assistance to eligible residents only to the extent prescribed by Chapter 61, Health and Safety Code, but that chapter does not affect the authority of a commissioners court to provide eligibility standards or other requirements relating to other assistance programs or services that are not covered by Chapter 61; and

(7) establish a least cost review program for public improvements to be constructed by use of personnel, equipment, or facilities of the county that may exceed a cost of \$100,000 or a lesser amount in the discretion of the commissioners court.

SECTION 2. Chapter 140, Local Government Code, is amended by adding Section 140.005 to read as follows:

Sec. 140.005. LEAST COST REVIEW PROGRAM. (a) To assist counties, the state auditor in consultation with the comptroller of public accounts may develop, promulgate, and widely distribute forms, with instruction, for cost accounting for public improvements. The auditor and the comptroller shall consult with large and small governmental entities and the construction industry prior to the promulgation of the forms and instructions.

(b) The cost accounting forms shall be simple and concise and capable of being completed by the counties at a minimum cost. The form shall provide a simple comparison of the cost of public improvements constructed by a county's personnel, equipment, or facilities and a competitive bid submitted by the private sector.

(c) The forms and instructions promulgated and distributed shall provide for cost comparisons by all governmental entities, including but not limited to counties, municipalities, special districts, and any other such entities that construct public improvements in-house. The cost comparison forms, with instruction, shall be promulgated and distributed by May 21, 1994.

SECTION 3. Article 2351, Revised Statutes, is repealed.

SECTION 4. This Act takes effect September 1, 1993.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 14, 1993, by a non-record vote; the House refused to concur in Senate amendments on May 28, 1993, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on May 30, 1993, by a non-record vote; passed by the Senate, with amendments, on May 26, 1993, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on May 30, 1993, by a viva-voce vote.

Approved June 19, 1993.

Effective Sept. 1, 1993.