

Amend CSHB 1886 as follows:

(1) Strike SECTIONS 1-5, 7, and 9 of the bill and renumber subsequent SECTIONS of the bill appropriately.

(2) Strike page 5, line 27 through page 6, line 7 and substitute the following:

(6) "Local governmental entity" means a municipality, a county, a river authority, a defense base development authority established under Chapter 379B, a municipally owned water utility with a separate governing board appointed by the governing body of a municipality, or any other special district or authority authorized by law to enter into a public works contract for a civil works project. The term does not include a water district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, with a population of less than 50,000.

(3) On page 6, line 18, strike "25,000" and substitute "50,000".

(4) On page 6, strike lines 20-22.

(5) On page 16, line 10, strike "Section 1001.407" and substitute "Chapter 1001".

(6) On page 17, between lines 1 and 2, insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 271.904(a), Local Government Code, is amended to read as follows:

(a) A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a governmental agency is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify, ~~[or]~~ hold harmless, or defend the governmental agency against liability for damage, other than liability for damage that is caused by or results from the negligence of the indemnitor or the indemnitor's agents, consultants under contract, or others over which the indemnitor exercises control ~~[governmental agency or its agent or employee]~~.