

1-1 By: Krusee (Senate Sponsor - Nichols) H.B. No. 2075  
1-2 (In the Senate - Received from the House April 16, 2007;  
1-3 April 17, 2007, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 8, 2007, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 8, Nays 0; May 8, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2075 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to payments to contractors in connection with highway  
1-11 projects of the Texas Department of Transportation.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 223.009, Transportation Code, is amended  
1-14 to read as follows:

1-15 Sec. 223.009. PARTIAL PAYMENT. A contract may provide for  
1-16 partial payments to the contractor. ~~[The aggregate amount of~~  
1-17 ~~payments at any time may not exceed 95 percent of the value of the~~  
1-18 ~~work done.]~~

1-19 SECTION 2. Section 223.010(a), Transportation Code, is  
1-20 amended to read as follows:

1-21 (a) The department may retain up to five [Five] percent of  
1-22 the contract price. The department may continue to retain the  
1-23 amount [shall be retained] until the entire improvement has been  
1-24 completed and accepted or release the retained amount at any time  
1-25 before the improvement is accepted [ , except as provided by  
1-26 Subsections (h) and (i)].

1-27 SECTION 3. Sections 223.010(h) and (i), and Section  
1-28 223.011, Transportation Code, are repealed.

1-29 SECTION 4. This Act takes effect immediately if it receives  
1-30 a vote of two-thirds of all the members elected to each house, as  
1-31 provided by Section 39, Article III, Texas Constitution. If this  
1-32 Act does not receive the vote necessary for immediate effect, this  
1-33 Act takes effect September 1, 2007.

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