

AN ACT

relating to certain requirements applicable to certain public contracts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2253.021(a), Government Code, is amended to read as follows:

(a) A governmental entity that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the governmental entity:

(1) a performance bond if the contract is in excess of \$100,000; and

(2) a payment bond if:

(A) the contract is in excess of \$25,000, and the governmental entity is not a municipality or a joint board created under Subchapter D, Chapter 22, Transportation Code; or

(B) the contract is in excess of \$50,000, and the governmental entity is a municipality or a joint board created under Subchapter D, Chapter 22, Transportation Code.

SECTION 2. Section 53.231, Property Code, is amended to read as follows:

Sec. 53.231. LIEN. (a) A person who furnishes material or labor to a contractor under a prime contract with a governmental entity other than a municipality or a joint board created under Subchapter D, Chapter 22, Transportation Code, that does not exceed

1 \$25,000 and that is for public improvements in this state and who  
2 gives notice required by this subchapter has a lien on the money,  
3 bonds, or warrants due the contractor for the improvements.

4 (b) A person who furnishes material or labor to a contractor  
5 under a prime contract with a municipality or a joint board created  
6 under Subchapter D, Chapter 22, Transportation Code, that does not  
7 exceed \$50,000 and that is for public improvements in this state and  
8 who gives notice required by this subchapter has a lien on the  
9 money, bonds, or warrants due the contractor for the improvements.

10 SECTION 3. Section 53.234, Property Code, is amended to  
11 read as follows:

12 Sec. 53.234. TIME FOR NOTICE. The lien claimant must give  
13 notice [~~before any payment is made to the contractor and~~] not later  
14 than the 15th day of the second month following the month in which  
15 the labor was performed or the material furnished.

16 SECTION 4. The changes in law made by this Act to Section  
17 2253.021(a), Government Code, apply only to a contract entered into  
18 on or after the effective date of this Act. A contract entered into  
19 before the effective date of this Act is governed by the law in  
20 effect when the contract was entered into, and the former law is  
21 continued in effect for that purpose.

22 SECTION 5. This Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2515 was passed by the House on April 28, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2515 on May 29, 2009, by the following vote: Yeas 141, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2515 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor