

By: Hinojosa

S.B. No. 1228

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the jurisdiction of the State Office of Administrative  
3 Hearings in contested case hearings involving certain contract  
4 claims against the state.

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

6 SECTION 1. Section 2260.001, Government Code, is amended by  
7 adding Subdivisions (2-a) and (3-a) to read as follows:

8 (2-a) "Goods" has the meaning assigned by Section  
9 2155.001.

10 (3-a) "Services" has the meaning assigned by Section  
11 2155.001.

12 SECTION 2. Section 2260.051, Government Code, is amended by  
13 adding Subsection (e) to read as follows:

14 (e) A contractor that does not comply with the notice  
15 requirements of this section with respect to a claim waives the  
16 right to assert the claim. Compliance with the notice requirements  
17 of this section is a prerequisite to a contested case hearing under  
18 Subchapter C.

19 SECTION 3. Subchapter C, Chapter 2260, Government Code, is  
20 amended by adding Section 2260.1045 to read as follows:

21 Sec. 2260.1045. JURISDICTION OF OFFICE. (a) The office  
22 does not have jurisdiction over a claim brought by a contractor that  
23 has not complied with the notice requirements of Section 2260.051  
24 with respect to the claim.

1        (b) On the motion of any party, the administrative law judge  
2 shall conduct a hearing to determine whether the office has  
3 jurisdiction over a claim.

4        (c) Within a reasonable time after the conclusion of the  
5 hearing, the administrative law judge shall issue a written  
6 decision.

7        (d) After issuance of the administrative law judge's  
8 decision, any party may seek immediate review of the decision in a  
9 Travis County district court by filing a petition not later than the  
10 30th day after the date on which the decision is issued. The  
11 administrative law judge shall stay proceedings in the contested  
12 case hearing pending the outcome of the review by the district  
13 court.

14        (e) Subchapter G, Chapter 2001, does not apply to a hearing  
15 under this section.

16        SECTION 4. The change in law made by this Act applies only  
17 to a claim referred to the State Office of Administrative Hearings  
18 on or after the effective date of this Act. A claim referred to the  
19 State Office of Administrative Hearings before the effective date  
20 of this Act is governed by the law as it existed immediately before  
21 the effective date of this Act, and that law is continued in effect  
22 for that purpose.

23        SECTION 5. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2009.