

House Bill 2515
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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 252.048(c), Local Government Code, is amended to read as follows:

(c) If a change order involves a decrease or an increase of \$50,000 [~~\$25,000~~] or less, the governing body may grant general authority to an administrative official of the municipality to approve the change orders.

No equivalent provision.

Same as House version.

No equivalent provision.

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

Sec. 53.231. LIEN. (a) A person

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

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

No equivalent provision.

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

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

SECTION 3. The change in law made by this Act to Section 2253.021(a), Government Code, applies only to a contract entered into on or after the effective date of

SECTION 4. The changes in law made by this Act to Section 2253.021(a), Government Code, apply only to a contract entered into on or after the effective date of this

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this Act, and the change in law made by this Act to Section 252.048(c), Local Government Code, applies only to a change order approved on or after the effective date of this Act.

A contract entered into or change order approved before the effective date of this Act is governed by the law in effect when the contract was entered into or the change order was approved, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2009.

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Act.

A contract entered into before the effective date of this Act is governed by the law in effect when the contract was entered into, and the former law is continued in effect for that purpose.

SECTION 5. Same as House version.

CONFERENCE