

By: Herrero

H.B. No. 3830

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain public works contracting requirements.

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

SECTION 1. Sections 2267.354(a), (b), and (c), Government Code, are amended to read as follows:

(a) Before September 1, 2013:

(1) a governmental entity with a population of 300,000 [~~500,000~~] or more within the entity's geographic boundary or service area may, under this subchapter, enter into contracts for not more than three projects in any fiscal year; and

(2) a municipally owned water utility with a separate governing board appointed by the governing body of a municipality with a population of 300,000 [~~500,000~~] or more may:

(A) independently enter into a contract for not more than one civil works project in any fiscal year; and

(B) enter into contracts for additional civil works projects in any fiscal year, but not more than the number of civil works projects prescribed by the limit in Subdivision (1) for the municipality, provided that:

(i) the additional contracts for the civil works projects entered into by the utility under this paragraph are allocated to the number of contracts the municipality that appoints the utility's governing board may enter under Subdivision (1); and

1 (ii) the governing body of the municipality
2 must approve the contracts.

3 (b) Before September 1, 2015, a governmental entity that has
4 a population of 100,000 or more but less than 300,000 [~~500,000~~] or
5 is a board of trustees governed by Chapter 54, Transportation Code,
6 may enter into contracts under this subchapter for not more than two
7 projects in any fiscal year.

8 (c) After the period described by Subsection (a) or (b):

9 (1) a governmental entity with a population of 300,000
10 [~~500,000~~] or more within the entity's geographic boundary or
11 service area may, under this subchapter, enter into contracts for
12 not more than six projects in any fiscal year;

13 (2) a municipally owned water utility with a separate
14 governing board appointed by the governing body of a municipality
15 with a population of 300,000 [~~500,000~~] or more may:

16 (A) independently enter into contracts for not
17 more than two civil works projects in any fiscal year; and

18 (B) enter into contracts for additional civil
19 works projects in any fiscal year, but not more than the number of
20 civil works projects prescribed by the limit in Subdivision (1) for
21 the municipality, provided that:

22 (i) the additional contracts for the civil
23 works projects entered into by the utility under this paragraph are
24 allocated to the number of contracts the municipality that appoints
25 the utility's governing board may enter under Subdivision (1); and

26 (ii) the governing body of the municipality
27 must approve the contracts; and

1 (3) a governmental entity that has a population of
2 100,000 or more but less than 300,000 [~~500,000~~] or is a board of
3 trustees governed by Chapter 54, Transportation Code, may enter
4 into contracts under this subchapter for not more than four
5 projects in any fiscal year.

6 SECTION 2. Section 252.048(c-1), Local Government Code, is
7 amended to read as follows:

8 (c-1) If a change order for a public works contract in a
9 municipality with a population of 300,000 [~~500,000~~] or more
10 involves a decrease or an increase of \$100,000 or less, or a lesser
11 amount as provided by ordinance, the governing body of the
12 municipality may grant general authority to an administrative
13 official of the municipality to approve the change order.

14 SECTION 3. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.