

By: Hinojosa
(Herrero)

S.B. No. 1430

Substitute the following for S.B. No. 1430:

By: Harper-Brown

C.S.S.B. No. 1430

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. Section 2267.354, Government Code, as added by Chapter 1129 (H.B. 628), Acts of the 82nd Legislature, Regular Session, 2011, is amended to read as follows:

Sec. 2267.354. LIMITATION ON NUMBER OF PROJECTS. (a)

~~[Before September 1, 2013:~~

~~[(1) a governmental entity with a population of 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 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~~

1 ~~allocated to the number of contracts the municipality that appoints~~
2 ~~the utility's governing board may enter under Subdivision (1); and~~
3 ~~(ii) the governing body of the~~
4 ~~municipality must approve the contracts.~~

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

10 ~~(c) After August 31, 2013 [the period described by~~
11 ~~Subsection (a) or (b)]:~~

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

16 (2) a municipally owned water utility with a separate
17 governing board appointed by the governing body of a municipality
18 with a population of 500,000 or more may:

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

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

25 (i) the additional contracts for the civil
26 works projects entered into by the utility under this paragraph are
27 allocated to the number of contracts the municipality that appoints

1 the utility's governing board may enter under Subdivision (1); and

2 (ii) the governing body of the municipality
3 must approve the contracts; and

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

9 (b) [~~(a)~~] For purposes of determining the number of
10 eligible projects under this section, a municipally owned water
11 utility with a separate governing board appointed by the governing
12 body of the municipality is considered part of the municipality.

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

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

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