

By: Hinojosa

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. 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.