

1-1 By: Hinojosa S.B. No. 1430  
1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read  
1-3 first time and referred to Committee on Government Organization;  
1-4 April 3, 2013, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 3, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>X</u>			
1-9	<u>X</u>			
1-10	<u>X</u>			
1-11	<u>X</u>			
1-12	<u>X</u>			
1-13	<u>X</u>			
1-14	<u>X</u>			

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the applicability of certain public works contracting  
1-18 requirements.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subsections (a), (b), and (c), Section 2267.354,  
1-21 Government Code, are amended to read as follows:

1-22 (a) Before September 1, 2013:

1-23 (1) a governmental entity with a population of 300,000  
1-24 [~~500,000~~] or more within the entity's geographic boundary or  
1-25 service area may, under this subchapter, enter into contracts for  
1-26 not more than three projects in any fiscal year; and

1-27 (2) a municipally owned water utility with a separate  
1-28 governing board appointed by the governing body of a municipality  
1-29 with a population of 300,000 [~~500,000~~] or more may:

1-30 (A) independently enter into a contract for not  
1-31 more than one civil works project in any fiscal year; and

1-32 (B) enter into contracts for additional civil  
1-33 works projects in any fiscal year, but not more than the number of  
1-34 civil works projects prescribed by the limit in Subdivision (1) for  
1-35 the municipality, provided that:

1-36 (i) the additional contracts for the civil  
1-37 works projects entered into by the utility under this paragraph are  
1-38 allocated to the number of contracts the municipality that appoints  
1-39 the utility's governing board may enter under Subdivision (1); and

1-40 (ii) the governing body of the municipality  
1-41 must approve the contracts.

1-42 (b) Before September 1, 2015, a governmental entity that has  
1-43 a population of 100,000 or more but less than 300,000 [~~500,000~~] or  
1-44 is a board of trustees governed by Chapter 54, Transportation Code,  
1-45 may enter into contracts under this subchapter for not more than two  
1-46 projects in any fiscal year.

1-47 (c) After the period described by Subsection (a) or (b):

1-48 (1) a governmental entity with a population of 300,000  
1-49 [~~500,000~~] or more within the entity's geographic boundary or  
1-50 service area may, under this subchapter, enter into contracts for  
1-51 not more than six projects in any fiscal year;

1-52 (2) a municipally owned water utility with a separate  
1-53 governing board appointed by the governing body of a municipality  
1-54 with a population of 300,000 [~~500,000~~] or more may:

1-55 (A) independently enter into contracts for not  
1-56 more than two civil works projects in any fiscal year; and

1-57 (B) enter into contracts for additional civil  
1-58 works projects in any fiscal year, but not more than the number of  
1-59 civil works projects prescribed by the limit in Subdivision (1) for  
1-60 the municipality, provided that:

1-61 (i) the additional contracts for the civil

2-1 works projects entered into by the utility under this paragraph are  
 2-2 allocated to the number of contracts the municipality that appoints  
 2-3 the utility's governing board may enter under Subdivision (1); and  
 2-4 (ii) the governing body of the municipality  
 2-5 must approve the contracts; and  
 2-6 (3) a governmental entity that has a population of  
 2-7 100,000 or more but less than 300,000 [~~500,000~~] or is a board of  
 2-8 trustees governed by Chapter 54, Transportation Code, may enter  
 2-9 into contracts under this subchapter for not more than four  
 2-10 projects in any fiscal year.

2-11 SECTION 2. Subsection (c-1), Section 252.048, Local  
 2-12 Government Code, is amended to read as follows:

2-13 (c-1) If a change order for a public works contract in a  
 2-14 municipality with a population of 300,000 [~~500,000~~] or more  
 2-15 involves a decrease or an increase of \$100,000 or less, or a lesser  
 2-16 amount as provided by ordinance, the governing body of the  
 2-17 municipality may grant general authority to an administrative  
 2-18 official of the municipality to approve the change order.

2-19 SECTION 3. This Act takes effect immediately if it receives  
 2-20 a vote of two-thirds of all the members elected to each house, as  
 2-21 provided by Section 39, Article III, Texas Constitution. If this  
 2-22 Act does not receive the vote necessary for immediate effect, this  
 2-23 Act takes effect September 1, 2013.

2-24

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