



850431

FLOOR AMENDMENT NO. 17 MAY -4 PM 7:33

BY: Davis of Dallas

HOUSE OF REPRESENTATIVES

1 Amend ____ S.B. No. 1289 (house committee printing) by striking
2 everything after the Enacting Clause and insert the following:

3 SECTION 1. Subchapter G, Chapter 2166, Government Code, is
4 amended by adding Section 2166.3031, 2166.3032, and 2166.3033 to
5 read as follows:

6 Sec. 2166.3031. UNIFORM PURCHASING CONDITION. (a) In
7 this section:

8 (1) "Component" means any article, material, or
9 supply, whether a manufactured good or a raw material, that is
10 directly incorporated into a manufactured good.

11 (2) "Manufactured good" means a product produced as a
12 result of a manufacturing process.

13 (3) "Manufacturing process" means the application of
14 a process to alter the form or function of the components of a
15 product in a manner that adds value and transforms the
16 components into a new finished product that is functionally
17 different from a finished product produced merely from
18 assembling the components into a product.

19 (4) "Produced in the United States" means:

20 (A) with respect to iron and steel products, a
21 product for which all manufacturing processes, from initial
22 melting through application of coatings, occur in the United
23 States, other than metallurgical processes to refine steel
24 additives; and

25 (B) with respect to manufactured goods, a
26 manufactured good for which:

27 (i) all of the manufacturing processes that
28 produced the manufactured good occur in the United States; and

29 (ii) more than 60 percent of the components

1 of the manufactured good, by cost, originate or are manufactured
2 in the United States.

3 (b) For purposes of Subsection (a)(4)(B)(ii), if a
4 component originates in the United States, the entire cost of
5 that component is included in the calculation under that
6 subparagraph of the percentage of the component costs for the
7 manufactured good.

8 (c) Except as provided by Subsection (d), the uniform
9 general conditions for a construction project in which iron,
10 steel, or manufactured goods will be used must require that the
11 bid documents provided to all bidders and the contract include a
12 requirement that the iron, steel, and manufactured goods used in
13 the project be produced in the United States.

14 (d) Subsection (c) does not apply to a project for which
15 the governing body of the governmental entity responsible for
16 the project determines that:

17 (1) iron, steel, or specific manufactured goods are
18 not produced in the United States in sufficient and reasonably
19 available quantities and of a satisfactory quality; or

20 (2) inclusion of iron, steel, or specific
21 manufactured goods produced in the United States will increase
22 the total cost of the iron, steel, or specific manufactured
23 goods for the project by more than 15 percent.

24 (e) This section applies to a project otherwise exempted
25 from the application of this chapter by Sections 2166.003 and
26 2166.004.

27 Sec. 2166.3032. INTERNATIONAL AGREEMENTS. This subchapter
28 shall be applied in a manner consistent with this state's
29 obligations under any international agreement.

30 Sec. 2166.3033. CONFLICT OF LAW. To the extent of any
31 conflict or inconsistency, this subchapter prevails over any

1 other state law relating to the use of iron and steel products
2 in projects directly funded by a governmental entity or financed
3 by funds administered by a governmental entity.

4 SECTION 2. Section 2166.003(b), Government Code, is
5 amended to read as follows:

6 (b) Only Sections 2166.104, 2166.151, 2166.152, 2166.153,
7 2166.154, 2166.155, 2166.251, 2166.252, and 2166.3031 and
8 Subchapter H apply to a construction project undertaken by or
9 for the Texas Department of Criminal Justice for the
10 imprisonment of individuals convicted of felonies other than
11 state jail felonies.

12 SECTION 3. Section 2166.3031, Government Code, as added by
13 this Act, applies only to bid documents submitted or contracts
14 entered into on or after the effective date of this Act.

15 SECTION 4. This Act takes effect September 1, 2017.