

By: Capriglione, Tepper, Spiller, Alders,
et al.

H.B. No. 223

A BILL TO BE ENTITLED

AN ACT

relating to competitive requirements for a procurement by a
municipality for lobbying, government relations, or similar
services.

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

SECTION 1. Section 252.022(a), Local Government Code, is
amended to read as follows:

(a) This chapter does not apply to an expenditure for:

(1) a procurement made because of a public calamity
that requires the immediate appropriation of money to relieve the
necessity of the municipality's residents or to preserve the
property of the municipality;

(2) a procurement necessary to preserve or protect the
public health or safety of the municipality's residents;

(3) a procurement necessary because of unforeseen
damage to public machinery, equipment, or other property;

(4) a procurement for personal, professional, or
planning services, other than lobbying, government relations, or
similar services intended to influence state or federal lawmakers
on behalf of a municipality;

(5) a procurement for work that is performed and paid
for by the day as the work progresses;

(6) a purchase of land or a right-of-way;

(7) a procurement of items that are available from

1 only one source, including:

2 (A) items that are available from only one source
3 because of patents, copyrights, secret processes, or natural
4 monopolies;

5 (B) films, manuscripts, or books;

6 (C) gas, water, and other utility services;

7 (D) captive replacement parts or components for
8 equipment;

9 (E) books, papers, and other library materials
10 for a public library that are available only from the persons
11 holding exclusive distribution rights to the materials; and

12 (F) management services provided by a nonprofit
13 organization to a municipal museum, park, zoo, or other facility to
14 which the organization has provided significant financial or other
15 benefits;

16 (8) a purchase of rare books, papers, and other
17 library materials for a public library;

18 (9) paving drainage, street widening, and other public
19 improvements, or related matters, if at least one-third of the cost
20 is to be paid by or through special assessments levied on property
21 that will benefit from the improvements;

22 (10) a public improvement project, already in
23 progress, authorized by the voters of the municipality, for which
24 there is a deficiency of funds for completing the project in
25 accordance with the plans and purposes authorized by the voters;

26 (11) a payment under a contract by which a developer
27 participates in the construction of a public improvement as

1 provided by Subchapter C, Chapter 212;

2 (12) personal property sold:

3 (A) at an auction by a state licensed auctioneer;

4 (B) at a going out of business sale held in
5 compliance with Subchapter F, Chapter 17, Business & Commerce Code;

6 (C) by a political subdivision of this state, a
7 state agency of this state, or an entity of the federal government;
8 or

9 (D) under an interlocal contract for cooperative
10 purchasing administered by a regional planning commission
11 established under Chapter 391;

12 (13) services performed by blind or severely disabled
13 persons;

14 (14) goods purchased by a municipality for subsequent
15 retail sale by the municipality;

16 (15) electricity; or

17 (16) advertising, other than legal notices.

18 SECTION 2. Section 252.022(a), Local Government Code, as
19 amended by this Act, applies only to a contract for procurement made
20 on or after the effective date of this Act.

21 SECTION 3. This Act takes effect September 1, 2025.