

House Bill 223
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 only one source, including:

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

(B) films, manuscripts, or books;

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

(D) captive replacement parts or components for equipment;

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

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

SENATE VERSION (IE)

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

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(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 directly or indirectly influence state or federal lawmakers on behalf of a municipality; [FA1]

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

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- (8) a purchase of rare books, papers, and other library materials for a public library;
- (9) paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- (10) a public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- (11) a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
- (12) personal property sold:
 - (A) at an auction by a state licensed auctioneer;
 - (B) at a going out of business sale held in compliance with Subchapter F, Chapter 17, Business & Commerce Code;
 - (C) by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
 - (D) under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391;
- (13) services performed by blind or severely disabled persons;
- (14) goods purchased by a municipality for subsequent retail sale by the municipality;
- (15) electricity; or
- (16) advertising, other than legal notices.

SECTION 2. Section 252.022(a), Local Government Code, as amended by this Act, applies only to a contract for

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- (8) a purchase of rare books, papers, and other library materials for a public library;
- (9) paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- (10) a public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- (11) a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter 212;
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 - (A) at an auction by a state licensed auctioneer;
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SECTION 2. Same as House version.

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procurement made on or after the effective date of this Act.

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

SECTION 3. Same as House version.