

# 81<sup>st</sup> Legislature Regular Session

## June 22, 2009

New Additions Each Week Will Be In Blue

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We tracked 71 bills plus their companions. 15 of them have gone to the Governor.

Thank you to everyone who called, wrote, testified; to everyone who helped shape the bills we filed; to everyone who helped get the bills filed and across the board to all the different public purchasing entities that came together to “get ‘er done”.

I have added some explanation of those sent to or signed by the Governor

### LEGISLATIVE NOTE:

**New feature: Signed by Governor and effective dates**

Monday, November 4, 2008 — Pre filing begins

Tuesday, Jan. 13, 2009 noon — 81<sup>st</sup> sessions begins

March 13, 2009 — Filing ends

Filed 7,340 bills

Legislators are still filing by convincing their colleagues to suspend the rules.

Bills now total 7,600

A very quick TML review has found that no legislative body – including Congress – has ever filed as many bills in a two-year legislative cycle. The Texas Legislature did it in just 114 days.

Monday, June 1, 2009 — Last day of regular session

Sunday, June 21, 2009 — Last day Governor can sign or veto

Monday, Aug. 31, 2009 midnight Date bills without specific Action dates become law

### \*\*HB 987 50k sealed bid and change order limit

Who is affected?	City X	County X	School X	State	Other X
Impact	Several statutes – equalizes all above entities to a 50k				

pro/con	sealed bid limit
Action Date	<b>SIGNED – THIS IS A GO - IMMEDIATELY</b>

Affects the following codes.

Education Code:

44.031(a) \$50K sealed bid limit

44.03131 Allows electronic bids or proposal ( you guys will love this)

44.033 REPEALED

Local Government Code:

262 various clauses \$50K sealed bid limit

Also, changed the word ~~bidding~~ to procurement

271 various clauses \$50K sealed bid limit

271.153(a) added (3) and (4) attorney fees and interest

271.9051(b) caps 5% local preference at \$100,000

271.158 REPEALED

281.47 \$50K sealed bid limit

351.137(b) ditto

375.221(b) ditto (a) adjusted publication notice days

Transportation Code

54.054(a) an amendment requested by them – not sure how it helps

### **HB 55 prohibiting the use of wireless communication device in school crossing zone**

Who is affected?	City X	County X	School	State	Other X
Impact pro/con	City, county, political sub-division must post signs and other rules of enforcement				
Action Date	<b>SIGNED BY Governor Effective Sept. 1, 2009</b>				

This one says municipality, County and other political subdivisions. It is mostly and FYI.

### **HB 360 relating to TMRS**

Who is affected?	City X	County	School	State	Other
Impact pro/con	Very important to all TMRS cities. That is if you plan to retire on TMRS				
Action Date	<b>5/18 Signed by Governor Effective immediately</b>				

This too is a FYI for those of us on the Texas Municipal Retirement system. Hopefully it means we can still retire someday.

**HB 432**

**State – low-emissions vehicle purchasing requirements**

Who is affected?	City	County	School	State X	Other
Impact pro/con	2158.009 Raises the % of purchased passenger vehicles meeting EPA standards to 20% from 10%				
Action date	<b>SIGNED BY Governor</b> <b>Effective 9/1/09</b>				

Changed to 20% the number of vehicles purchased by the state that must meet or exceed the emissions standards. It was amended so if interested – read it.

**HB 473 Ector County Hospital District ONLY**

Who is affected?	City	County	School	State	Other X
Impact pro/con	Allows Ector county Hospital to use Subchapter H of Chapter 271, Local Gov't Code				
Action Date	<b>SIGNED BY Governor</b> <b>Effective Immediately</b>				

Specific to Ector county Hospital District. There was a substitute in the enrolled version

**HB 962 Junior Colleges – purchase of library goods and services**

Who is affected?	City	County	School X	State	Other
Impact pro/con	44.0311 and 130.0101 for PUBLIC Junior colleges – appears to add types of library materials				
Action Date	<b>SIGNED BY Governor</b> <b>Effective immediately</b>				

There was an amendment on this one.

**HB 1705 Relating to DIR**

Who is affected?	City X	County X	School X	State X	Other X
Impact pro/con	Appears to refine current statutes.				
Action Date	<b>SIGNED BY Governor</b> <b>Effective 9/1/09</b>				
Does not appear to affect local gov't entities.					

**HB 1998 Temporary housing – disaster SB 178 and 340 companions**

Who is affected?	City	County	School	State	Other
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	X	X	X	X	X
Impact pro/con	Authorizing state assistance and PAYMENT to political subdivision for emergency shelters or temporary housing				
Action Date	<b>Signed by Governor</b> <b>Effective 9/1/09</b>				

This one too is a FYI you might want to read before a disaster strikes

**HB 2082 Preference bill for municipalities**

Who is affected?	City X	County	School	State	Other
Impact pro/con	Caps the 5% local business preference at contracts less than \$100,000				
Action Date	<b>SIGNED BY GOVERNOR</b> <b>EFFECTIVE IMMEDIATELY</b>				

**HB 2521 State purchase of certain media-related services – preference bill**

Who is affected?	City	County	School	State X	Other
Impact pro/con	Preference for Texas businesses. State only so far				
Action Date	<b>SIGNED BY Governor</b> <b>Effective Sept. 1, 2009</b>				

Amendments on this one too.

**HB 2515 Raises to \$50,000 payment bond requirement**

Who is affected?	City X	County	School	State	Other X
Impact pro/con	Municipality and DFW Airport would not have to require a payment bond for public works under \$50,000				
Action Date	<b>SIGNED BY Governor</b> <b>Effective September 1, 2009</b>				

Municipality and DFW Airport would not have to require a payment bond for public works under \$50,000

**HB 2859 Notice requirements for county auctions**

Who is affected?	City	County X	School	State	Other
Impact pro/con	Notice requirements above and beyond the current 263.153				
Action Date	<b>SIGNED BY Governor</b> <b>Effective immediately</b>				

Allows counties who use a Licensed Auctioneer and is selling an item under \$500 to NOT advertise in a local newspaper.

**HB 3668 Purchasing and contracting authority of cities**

Who is affected?	City X	County	School	State	Other
Impact pro/con	252.062 add that anyone placing a bid can enjoy a contract if it was made without compliance with this chapter				
Action Date	<b>SIGNED BY Governor</b> <b>Effective 9/1/09</b>				

This applies to competitive sealed BIDS only. Does not apply to the other construction delivery methods.

**HB 4493 Port and Harbor Facility**

Who is affected?	City	County	School	State	Other X
Impact pro/con	Matching 252.021 (a) Local Government Code				
Action Date	<b>SIGNED BY Governor</b> <b>Effective Immediately</b>				

**SB 229**

**Relating to subchapter J of 271 Design Build Procedures**

Who is affected?	City X	County X	School	State	Other X
Impact pro/con	271.182. This only deletes the 500,000 population. All else is left the same. Looks like just a clean up.				
Action date	<b>SIGNED BY Governor</b> <b>Effective Immediately</b>				

Took off the 500,000 population bracket and made this clause effective immediately for local governmental entities with a population of more than 100,000

**SB 1485 sale of used firefighting equipment by an emergency services district**

Who is affected?	City	County	School	State	Other
Impact pro/con	<b>Not sure who is affected.</b> Chapter 775.251 of the health and Safety Code.				
Action Date	<b>SIGNED BY Governor</b> <b>Effective Sept. 1, 2009</b>				