

BILL ANALYSIS

Senate Research Center

H.B. 1161
By: Clark (Shapiro)
Intergovernmental Relations
5-15-97
Committee Report (Amended)

DIGEST

Currently, Sections 252.021 and 271.021, Local Government Code, both apply to municipalities. These sections may cause confusion because of overlapping and duplicative bidding requirements. This bill eliminates duplication of the bidding process by providing that Section 271.021 no longer applies to municipalities.

PURPOSE

As proposed, H.B. 1161 eliminates duplication of the bidding process by providing that Section 271.021, Local Government Code, no longer applies to municipalities.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 271.021(2), Local Government Code, to delete the provision that a "governmental entity" includes a municipality. Makes a conforming change.

SECTION 2. Repealer: Section 271.023, Local Government Code (Municipal Charter Prevails in Case of Conflict).

SECTION 3. Amends Section 252.022(a), Local Government Code, to provide that this chapter does not apply to certain expenditures, including certain public improvement projects, already in progress.

SECTION 4. Amends Section 252.043(a), Local Government Code, to prohibit a bid that has been opened from being changed for the purpose of correcting an error in the bid price. Provides that this chapter does not change the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

SECTION 5. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Redesignates existing SECTIONS 4 and 5 to SECTIONS 5 and 6. Sets forth a new SECTION 4, to amend Section 252.043(a), Local Government Code, to prohibit a bid that has been opened from being changed for the purpose of correcting an error in the bid price. Provides that this chapter does not change the common law right of a bidder to withdraw a bid due to a material mistake in the bid.