

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1231

(Reference to Senate engrossed bill)

1 Page 5, line 9, after the period insert "A SUBCONTRACT OR DESIGN PROFESSIONAL  
2 SERVICES SUBCONTRACT ENTERED INTO IN CONNECTION WITH A PUBLIC BUILDING OR  
3 IMPROVEMENT MAY ALSO REQUIRE ANY SUBCONTRACTOR OR DESIGN PROFESSIONAL TO  
4 INDEMNIFY AND HOLD HARMLESS THE AGENT AND THAT CONTRACTOR, SUBCONTRACTOR OR  
5 DESIGN PROFESSIONAL WHO EXECUTED THE SUBCONTRACT AND THEIR RESPECTIVE OWNERS,  
6 OFFICERS AND EMPLOYEES FROM LIABILITIES, DAMAGES, LOSSES AND COSTS INCLUDING  
7 REASONABLE ATTORNEY FEES BUT ONLY TO THE EXTENT CAUSED BY THE NEGLIGENCE,  
8 RECKLESSNESS OR INTENTIONAL WRONGFUL CONDUCT OF THE INDEMNIFYING  
9 SUBCONTRACTOR OR DESIGN PROFESSIONAL OR OTHER PERSONS EMPLOYED OR USED BY THE  
10 INDEMNIFYING SUBCONTRACTOR OR DESIGN PROFESSIONAL IN CONNECTION WITH THE  
11 SUBCONTRACT."

12 Line 18, after the period insert "NOTHING IN THIS SECTION SHALL PROHIBIT THE  
13 REQUIREMENT OF INSURANCE COVERAGE THAT COMPLIES WITH SUBSECTION B OF THIS  
14 SECTION, IN CONNECTION WITH A CONSTRUCTION CONTRACT OR SUBCONTRACT OR DESIGN  
15 PROFESSIONAL SERVICES CONTRACT OR SUBCONTRACT."

16 Between lines 28 and 29, insert:

17 "F. IF ANY PROVISION OR CONDITION CONTAINED IN THIS SECTION CONFLICTS  
18 WITH ANY PROVISION OF A CONTRACT BETWEEN THE STATE OR A POLITICAL SUBDIVISION  
19 OF THE STATE AND THE FEDERAL GOVERNMENT, SUCH PROVISION IN CONFLICT SHALL NOT  
20 APPLY TO ANY CONSTRUCTION CONTRACT OR SUBCONTRACT OR DESIGN PROFESSIONAL  
21 SERVICES CONTRACT OR SUBCONTRACT TO THE EXTENT SUCH CONFLICT EXISTS, BUT ALL  
22 PROVISIONS OF THIS SECTION WITH WHICH THERE IS NO SUCH CONFLICT SHALL APPLY."

23 Reletter to conform

24 Page 10, line 44, after the period insert "A SUBCONTRACT OR DESIGN PROFESSIONAL  
25 SERVICES SUBCONTRACT ENTERED INTO IN CONNECTION WITH A PUBLIC BUILDING OR  
26 IMPROVEMENT MAY ALSO REQUIRE ANY SUBCONTRACTOR OR DESIGN PROFESSIONAL TO  
27 INDEMNIFY AND HOLD HARMLESS THE AGENT AND THAT CONTRACTOR, SUBCONTRACTOR OR  
28 DESIGN PROFESSIONAL WHO EXECUTED THE SUBCONTRACT AND THEIR RESPECTIVE OWNERS,

1 OFFICERS AND EMPLOYEES FROM LIABILITIES, DAMAGES, LOSSES AND COSTS INCLUDING  
2 REASONABLE ATTORNEY FEES BUT ONLY TO THE EXTENT CAUSED BY THE NEGLIGENCE,  
3 RECKLESSNESS OR INTENTIONAL WRONGFUL CONDUCT OF THE INDEMNIFYING  
4 SUBCONTRACTOR OR DESIGN PROFESSIONAL OR OTHER PERSONS EMPLOYED OR USED BY THE  
5 INDEMNIFYING SUBCONTRACTOR OR DESIGN PROFESSIONAL IN CONNECTION WITH THE  
6 SUBCONTRACT."

7 Page 11, line 9, after the period insert "NOTHING IN THIS SECTION SHALL PROHIBIT  
8 THE REQUIREMENT OF INSURANCE COVERAGE THAT COMPLIES WITH SUBSECTION B OF THIS  
9 SECTION, IN CONNECTION WITH A CONSTRUCTION CONTRACT OR SUBCONTRACT OR DESIGN  
10 PROFESSIONAL SERVICES CONTRACT OR SUBCONTRACT."

11 Between lines 19 and 20, insert:

12 "F. IF ANY PROVISION OR CONDITION CONTAINED IN THIS SECTION CONFLICTS  
13 WITH ANY PROVISION OF A CONTRACT BETWEEN THE STATE OR A POLITICAL SUBDIVISION  
14 OF THE STATE AND THE FEDERAL GOVERNMENT, SUCH PROVISION IN CONFLICT SHALL NOT  
15 APPLY TO ANY CONSTRUCTION CONTRACT OR SUBCONTRACT OR DESIGN PROFESSIONAL  
16 SERVICES CONTRACT OR SUBCONTRACT TO THE EXTENT SUCH CONFLICT EXISTS, BUT ALL  
17 PROVISIONS OF THIS SECTION WITH WHICH THERE IS NO SUCH CONFLICT SHALL APPLY."

18 Reletter to conform

19 Amend title to conform

and, as so amended, it do pass

MICHELLE UGENTI  
Chairman

1231-gov  
3/19/13  
H:lae