

1-1 By: Carona S.B. No. 621  
1-2 (In the Senate - Filed February 13, 2007; February 27, 2007,  
1-3 read first time and referred to Committee on Transportation and  
1-4 Homeland Security; March 19, 2007, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 9,  
1-6 Nays 0; March 19, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 621 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to payments by the Texas Department of Transportation to  
1-11 an unsuccessful private entity that submits a proposal for a  
1-12 comprehensive development agreement.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (m), Section 223.203, Transportation  
1-15 Code, is amended to read as follows:

1-16 (m) The department may [~~shall~~] pay an unsuccessful private  
1-17 entity that submits a responsive proposal in response to a request  
1-18 for detailed proposals under Subsection (f) a stipulated amount in  
1-19 exchange for the work product contained in that proposal. A [~~The~~]  
1-20 stipulated amount must be stated in the request for proposals and  
1-21 may not exceed the value of any work product contained in the  
1-22 proposal that can, as determined by the department, be used by the  
1-23 department in the performance of its functions. The use by the  
1-24 department of any design element contained in an unsuccessful  
1-25 proposal is at the sole risk and discretion of the department and  
1-26 does not confer liability on the recipient of the stipulated amount  
1-27 under this section. After payment of the stipulated amount:

1-28 (1) the department owns with the unsuccessful proposer  
1-29 jointly the rights to, and may make use of any work product  
1-30 contained in, the proposal, including the technologies,  
1-31 techniques, methods, processes, ideas, and information contained  
1-32 in the project design; and

1-33 (2) the use by the unsuccessful proposer of any  
1-34 portion of the work product contained in the proposal is at the sole  
1-35 risk of the unsuccessful proposer and does not confer liability on  
1-36 the department.

1-37 SECTION 2. This Act takes effect immediately if it receives  
1-38 a vote of two-thirds of all the members elected to each house, as  
1-39 provided by Section 39, Article III, Texas Constitution. If this  
1-40 Act does not receive the vote necessary for immediate effect, this  
1-41 Act takes effect September 1, 2007.

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