

1-1 By: Raney (Senate Sponsor - Alvarado) H.B. No. 3989
 1-2 (In the Senate - Received from the House April 24, 2023;
 1-3 May 2, 2023, read first time and referred to Committee on
 1-4 Transportation; May 11, 2023, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 11, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the adoption of a policy on the preclusion of private
 1-20 design professionals from contracting with the Texas Department of
 1-21 Transportation.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter F, Chapter 2261, Government Code, is
 1-24 amended by adding Section 2261.260 to read as follows:

1-25 Sec. 2261.260. TEXAS DEPARTMENT OF TRANSPORTATION
 1-26 PRECLUSION POLICY FOR PRIVATE DESIGN PROFESSIONALS. (a) In this
 1-27 section, "private design professional" has the meaning assigned by
 1-28 Section 2252.905.

1-29 (b) Before the Texas Department of Transportation may make a
 1-30 determination under this subchapter that a private design
 1-31 professional is precluded from performing a contract for
 1-32 architectural or engineering services or from participating in a
 1-33 procurement for those services, the department must adopt a written
 1-34 preclusion policy.

1-35 (c) A policy under this section must:

1-36 (1) be published or distributed in a manner that
 1-37 ensures that private design professionals in this state are aware
 1-38 of the policy;

1-39 (2) provide that the private design professional be
 1-40 notified in writing at the time the Texas Department of
 1-41 Transportation determines that a potential basis for preclusion
 1-42 exists; and

1-43 (3) provide for an appeals process by which the
 1-44 private design professional is given a reasonable amount of time to
 1-45 establish that no basis for preclusion under the policy exists.

1-46 SECTION 2. The changes in law made by this Act apply only to
 1-47 a contract entered into on or after the effective date of this Act.
 1-48 A contract entered into before the effective date of this Act is
 1-49 governed by the law in effect on the date the contract was entered
 1-50 into, and the former law is continued in effect for that purpose.

1-51 SECTION 3. This Act takes effect September 1, 2023.

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