

BILL ANALYSIS

C.S.H.B. 3021
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties express concern regarding instances in which state agencies are requiring certain contractors to defend the state for claims or liabilities resulting from the negligent acts or omissions of the state governmental entity or its employees. The goal of C.S.H.B. 3021 is to prohibit this practice and to ensure that certain state contracts are subject to the same requirements as other governmental entity contracts.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3021 amends the Government Code to prohibit a state governmental entity from requiring a contractor selected under the Professional Services Procurement Act to defend the state for claims or liabilities resulting from the negligent acts or omissions of the state governmental entity or its employees. The bill applies certain Local Government Code provisions relating to contracts for engineering or architectural services to a contract for architectural or engineering services between an architect or engineer selected under the Professional Services Procurement Act and an agency of the executive or judicial branch of state government, including an institution of higher education. The bill applies only to a contract for which a request for proposals or a request for qualifications is first published or distributed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3021 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 2254.0031, Government Code is amended.	SECTION 1. Substantially the same as introduced version.

85R 27200

17.118.383

Substitute Document Number: 85R 22217

No equivalent provision.

SECTION 2. Section 2254.0031, Government Code, as amended by this Act, applies only to a contract for which a request for proposals or a request for qualifications is first published or distributed on or after the effective date of this Act. A contract for which a request for proposals or a request for qualifications is first published or distributed before the effective date of this Act is governed by the law in effect on the date the request was published or distributed, and the former law is continued in effect for that purpose.

SECTION 2. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.