

By: Nichols

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A BILL TO BE ENTITLED

1 AN ACT

2 relating to powers and duties of navigation districts and the
3 boards of trustees of municipal port facilities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 60.403, Water Code, is amended by
6 amending Subsection (a) and adding Subsection (a-1) to read as
7 follows:

18 SECTION 2. Section 60.4035(a), Water Code, is amended to
19 read as follows:

20 (a) Notwithstanding the competitive bidding requirements
21 and proposal procedures of this subchapter and Subchapter O and the
22 requirements of Sections **60.408(a), (b), (c), (d), and (e)**, the
23 executive director of a district or an officer of a district
24 authorized in writing by the port commission may make emergency

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1 purchases or contracts or emergency amendments to existing purchase
2 orders or contracts in an amount that exceeds the amount authorized
3 under Section 60.403(a) for routine purchases or contracts if
4 necessary:

5 (1) to preserve or protect the public health and
6 safety of the residents of the district;

11 (4) to respond to security directives issued by:

12 (A) the federal Department of Homeland Security,
13 including the Transportation Security Administration;

14 (B) the United States Coast Guard;

15 (C) the federal Department of Transportation,
16 including the Maritime Administration; or

17 (D) another federal or state agency responsible
18 for domestic security; or

24 SECTION 3. Section 60.412(a), Water Code, is amended to
25 read as follows:

26 (a) A contract for a purchase is exempt from the competitive
27 bidding requirements and proposal procedures of this subchapter and

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1 Subchapter O if a contract is for the purchase of:

11 (4) a personal or professional service;

12 (5) any work performed and paid for by the day as the
13 work progresses;

14 (6) any land or right-of-way;

15 (7) an item that can be obtained only from one source,
16 including:

17 (A) items for which competition
18 because of the existence of patents, copyrights, se
19 or natural monopolies;

21 (C) public utility services; and
22 (D) captive replacement parts or components for
23

26 (A) the federal Department of Homeland Security,
27 including the Transportation Security Administration.

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1 (B) the United States Coast Guard;
2 (C) the United States Bureau of Customs and
3 Border Protection;
4 (D) the Federal Bureau of Investigation;
5 (E) the federal Department of Transportation,
6 including the Maritime Administration; or
7 (F) another federal, state, or local agency; [or]
8 (9) an item from the United States, including any
9 agency thereof, or from this state, including an agency of this
10 state; or
11 (10) to respond to an emergency related to (A) supply
12 chain disruptions or shortages or (B) other disruptions or
13 stoppages of the operations of the district, which does not permit
14 the delay incident to the competitive process, or undue cost,
15 without harm to the welfare of the district.

16 SECTION 4. Subchapter Q, Chapter 60, Water Code, is amended
17 by adding Sections 60.503 and 60.504 to read as follows:

18 Sec. 60.503. COMMUNITY PROGRAMS. (a) In this section:

26 (b) To stimulate business and commercial activity within a
27 district, a district may develop and administer a program to:

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1 (1) develop small businesses or historically
2 underutilized businesses;
3 (2) promote or advertise the district; or
4 (3) improve the extent to which local businesses,
5 small businesses, and other historically underutilized businesses
6 are awarded district contracts.

7 (c) To develop or administer a program under this section, a
8 district may:

9 (1) contract with another entity;
10 (2) use district funds or employees; and
11 (3) accept contributions, gifts, or other resources.

12 (d) A program established under this section may set
13 contract percentage goals for participation by local businesses,
14 small businesses, and historically underutilized businesses in
15 public contract awards by the district.

16 Sec. 60.504. RIGHT TO REJECT ALL BIDS. A district that
17 requests bids or proposals under any of the methods provided by this
18 chapter may reject any and all bids or proposals submitted.

19 SECTION 5. Section 62.106(e), Water Code, is amended to
20 read as follows:

21 (e) A district created under this chapter may elect to take
22 advantage of the condemnation procedure provided in Chapter 21,
23 Property Code [~~Subchapter F of Chapter 51 of this code~~].

24 SECTION 6. Section 62.120(a), Water Code, is amended to
25 read as follows:

26 (a) A district may enter into operating contracts and leases
27 with cities and other governmental subdivisions for the operation

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1 of the portions of the district's water system which are designated
2 by the board or the commission.

3 SECTION 7. Section 62.122, Water Code, is amended to read as
4 follows:

5 Sec. 62.122. DISPOSITION OF SALVAGE OR SURPLUS PERSONAL
6 PROPERTY. (a) Except as provided by Subsection (b), the
7 commission or board of trustees under Chapter 54, Transportation
8 Code, may periodically dispose of surplus or salvage personal
9 property in the same manner as the commissioners court of a county
10 under Subchapter D, Chapter 263, Local Government Code.

11 (b) The commission or board of trustees under Chapter 54,
12 Transportation Code, may authorize:

13 (1) the destruction or disposition of salvage or
14 surplus property as worthless if the property is so worn, damaged,
15 or obsolete that it has no value for the purpose for which it was
16 originally intended, and the expense to the district to attempt to
17 sell the property would be more than the proceeds from the sale; and

18 (2) the sale of its dredge material from a dredge
19 material placement area to any person on such terms and conditions
20 as the commission or board of trustees considers appropriate or
21 advantageous to the district, following any required action by the
22 U.S. Army Corps of Engineers.

23 SECTION 8. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2023.