

By: Armbrister

S.B. No. 1254

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the leasing and contracting powers of a port authority
3 or navigation district.

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

5 SECTION 1. Section 60.039, Water Code, is amended to read as
6 follows:

7 Sec. 60.039. SURFACE LEASE FOR NOT MORE THAN 30 [~~10~~] YEARS.
8 The commission may lease the surface of land for not more than 30
9 [~~10~~] years by the entry of an order on the minutes of the commission
10 and the execution of a lease in the manner provided by the original
11 order. The lease may not be extended beyond the 30-year [~~10-year~~]
12 period by renewal, extension, or otherwise.

13 SECTION 2. Section 60.040, Water Code, is amended to read as
14 follows:

15 Sec. 60.040. PUBLICATION OF NOTICE FOR SALES AND LEASES IN
16 EXCESS OF 30 [~~10~~] YEARS. Before making a sale or lease of land for
17 more than 30 [~~10~~] years, the commission shall publish a notice in
18 the manner provided in Section 60.035 of this subchapter.

19 SECTION 3. Section 60.041, Water Code, is amended to read as
20 follows:

21 Sec. 60.041. SECURITY FOR BIDS ON LAND TO BE SOLD OR LEASED
22 FOR MORE THAN 30 [~~10~~] YEARS. Each bid submitted on land to be sold
23 or leased for more than 30 [~~10~~] years shall be accompanied by a
24 certified check, cashier's check, or bidder's bond with a

1 responsible corporate surety authorized to do business in Texas.
2 The check or bond shall be in an amount equal to the bid for the land
3 or for the first rental payment under the lease and shall guarantee
4 that the bidder will perform the terms of his bid if it is accepted
5 by the commission.

6 SECTION 4. The heading to Section 60.042, Water Code, is
7 amended to read as follows:

8 Sec. 60.042. AWARD AND EXECUTION OF DEED OR LEASE IN EXCESS
9 OF 30 [~~10~~] YEARS.

10 SECTION 5. Section 60.151, Water Code, is amended to read as
11 follows:

12 Sec. 60.151. PURPOSE. It is the purpose and intent of this
13 subchapter to confer on districts individually, jointly, or
14 mutually interested in a navigation project, including a project
15 relating to improvements and facilities described in Sections
16 60.032 and 60.101 of this code, the fullest possible power of
17 contract with regard to navigation or other projects of individual
18 or common interest.

19 SECTION 6. Section 60.152(a), Water Code, is amended to
20 read as follows:

21 (a) One [~~Two~~] or more districts, which are interested in or
22 may, in the judgment of the commission, be benefited by a navigation
23 or other project, may enter into contracts with the United States or
24 with another district [~~each other~~], or both, to consummate
25 navigation or other projects of common interest.

26 SECTION 7. Section 60.403(a), Water Code, is amended to
27 read as follows:

1 (a) A port commission, ~~[or]~~ authorized designated officer
2 of the port commission, or authorized designated employee of a port
3 authority or district may make routine purchases or contracts in an
4 amount not to exceed \$25,000.

5 SECTION 8. Subchapter N, Chapter 60, Water Code, is amended
6 by adding Section 60.4115 to read as follows:

7 Sec. 60.4115. NOTIFICATION OF SAFETY AND ENVIRONMENTAL
8 RECORD OF CONTRACTOR. (a) A person that enters into a contract
9 with a district or port authority shall provide, at the request of
10 the district or port authority, notice to the district or authority
11 of any citation, notice of violation or penalty, or other similar
12 document, regarding a serious safety or environmental violation
13 that the person received from an agency or department of this state
14 or of the federal government. The notice must include:

15 (1) a general description of the conduct that resulted
16 in the citation, violation, penalty, or similar sanction; and

17 (2) the document from the agency or department that
18 provided notice to the person of the citation, violation, penalty,
19 or similar sanction.

20 (b) A district or port authority may terminate a contract
21 with a person if the district or authority determines that the
22 person failed to give notice as required by Subsection (a) or
23 misrepresented conduct that resulted in a citation, notice of
24 violation or penalty, or similar sanction. The district or port
25 authority shall compensate the person for services performed before
26 the termination of the contract.

27 (c) This section applies to all purchasing methods

1 available to a district or port authority.

2 SECTION 9. (a) This Act takes effect immediately if it
3 receives a vote of two-thirds of all the members elected to each
4 house, as provided by Section 39, Article III, Texas Constitution.
5 If this Act does not receive the vote necessary for immediate
6 effect, this Act takes effect September 1, 2003.

7 (b) Section 60.4115, Water Code, as added by this Act,
8 applies only to a contract entered into on or after the effective
9 date of this Act. A contract entered into before the effective date
10 of this Act is governed by the law in effect at the time the contract
11 was entered into, and the former law is continued in effect for that
12 purpose.

13 (c) The changes in law made to Sections 60.039, 60.040,
14 60.041, and 60.042, Water Code, by this Act apply only to a lease
15 entered into on or after the effective date of this Act. A lease
16 entered into before the effective date of this Act is governed by
17 the law in effect at the time the lease was entered into, and the
18 former law is continued in effect for that purpose.