

BILL ANALYSIS

C.S.H.B. 2828
By: Hamric
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

CSHB 2828 allows a navigation district to contract for a purchase from the state of Texas, the federal government and their respective agencies, which is similar to Section 60.454(8) of the Water Code authorizing interlocal contracts.

In addition, CSHB 2828 expands purchasing contract methods for a contract of \$25,000 or more in the aggregate for a 12-month period, to include a contract for a purchase from the state of Texas, the federal government and their respective agencies.

Furthermore, current statutory requirements make evaluations of proposals public within seven days after a contract is awarded. CSHB 2828 would reasonably extend this period to take into account typical time periods between public meetings of the district's governing body.

Finally, it is important that districts consider adoption of safety and security code policies in which the district does not incur the risks of civil litigation for having taken this initiative. Therefore, CSHB 2828 would shelter a district from suit in relation to noncompliance with a safety or security code, policy, or manual that the district adopts.

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

SECTION 1. Amends Section 60.412(a) of the Water Code by clarifying language and asserting that a contract for the purchase of an item by the United States, the State of Texas, or any agency thereof is exempt from the requirements of the competitive bidding requirements section and the proposal procedures section of the Water Code, and it amends the name of a United States Agency since the name was changed from the previous session to "United States Customs and Border Protection".

SECTION 2. Amends Section 60.454 of the Water Code by adding subsections (10) and (11).

Subsection (10), provides a navigation district the opportunity to contract with the United States, for a district contract valued at \$25,000 or more in the aggregate for each 12-month period.

Subsection (11), provides a navigation district the opportunity to contract with the State of Texas or an agency thereof, for a district contract valued at \$25,000 or more in the aggregate for each 12-month period.

SECTION 3. Amends Section 60.459(c) of the Water Code by increasing the date in which a navigation district shall make the evaluations of a bid or proposal public from the seventh day after the date of the award to the thirtieth day of the award or by the next scheduled commission meeting, whichever is later.

SECTION 4. Amends Chapter 60 of the Water Code by adding Subchapter Q which clarifies that a navigation district retains sovereign immunity, and may not be sued based upon any claim founded upon non-compliance with a safety or security code, policy or manual in which the navigation district adopts.

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Adds Section 5 amending Subchapter D, Chapter 62, of the Water Code by adding Section 62.121, which allows a district to enter into a contract with any person in a county adjacent to the district for any district purpose or to exercise any district power. As part of a contract entered into under this section, a district may issue obligations and use the proceeds to provide a project located in a county adjacent to the district in order to accomplish a district purpose or exercise a district power.

SECTION 6. Repeals Section 62.209 of the Water Code.

SECTION 7. Establishes the effective date of the Act.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Substitute makes technical changes including adding language amending Chapter 62, Subchapter D of the Water Code. In addition, the Substitute adds section 6 with language repealing Section 62.209 of the Water Code.