

BILL ANALYSIS

S.B. 1786
By: Gallegos
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

S.B. 1786 allows a navigation district (district) to contract for a purchase from the State of Texas, its respective agencies and the federal government, which is similar to Section 60.454(8), Water Code, authorizing interlocal contracts. In addition, S.B. 1786 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, its respective agencies and the federal government.

Finally, current statute requires make evaluations of proposals public within seven days after a contract is awarded. S.B. 1786 extends this period to take into account typical time periods between public meetings of a district's governing body.

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), Water Code, to provide that a contract for purchase is exempt from the requirements of Sections 60.404 (Competitive Bidding Requirements) and 60.405 (Proposal Procedures), if a contract is for the purchase of certain items. This section changes the title of the "United States Bureau of customs and Border Protections Services" by striking out the word "Services", and adds "an item from the United States, or from this state including an agency of this state or the United States.

SECTION 2. Amends Section 60.454, Water Code, to authorize a navigation district (district) contract with the United States or this state, or an agency thereof, valued at \$25,000 or more in the aggregate for each 12-month period to be made by a certain method, that in the opinion of the district's commission (commission), provides the best value for the district, notwithstanding any other provision of this chapter or other law. This section lists the types of contracts considered.

SECTION 3. Amends Section 60.459(c), Water Code, to require the district to document the basis of its selection and to make the evaluations public not later than the later of the 30th day, rather than the 7th day, after the date of the award of the contract or the next scheduled commission meeting.

SECTION 4. Amends Chapter 60, Water Code, by adding Subchapter Q, as follows:

SUBCHAPTER Q. MISCELLANEOUS PROVISIONS

Sec. 60.501. SAFETY AND SECURITY PROCEDURES; NO NEW DUTIES. This states that the use by a district of a safety or security code policy, or manual does not create any new or additional legal duties of the district not existing under common law or statutory law.

SECTION 5. Amends Subchapter D, Chapter 62, Water Code, by adding Section 62.121, as follows:

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Sec. 62.121. CONTRACTS AND OBLIGATIONS TO ACCOMPLISH DISTRICT PURPOSES AND EXERCISE DISTRICT POWERS [sic]. (a) Authorizes a district to enter into a contract with any person, including a municipality or other political subdivision in a county adjacent to the district, in order to accomplish any district purpose or exercise any district power.

(b) Authorizes a district to issue obligations, including obligations secured by ad valorem taxes and to use the proceeds of such obligations to provide a project located in a county adjacent to the district that serves to accomplish a district purpose or exercise a district power in such county as a part of a contract under this section.

SECTION 6. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.