

1-1 By: Hamric (Senate Sponsor - Gallegos) H.B. No. 2828  
1-2 (In the Senate - Received from the House May 2, 2005;  
1-3 May 3, 2005, read first time and referred to Subcommittee on  
1-4 Agriculture and Coastal Resources; May 18, 2005, rereferred to  
1-5 Committee on Intergovernmental Relations; May 21, 2005, reported  
1-6 favorably, as amended, by the following vote: Yeas 5, Nays 0;  
1-7 May 21, 2005, sent to printer.)

1-8 COMMITTEE AMENDMENT NO. 1 By: Deuell

1-9 Amend HB 2828, on page 2, line 37 by striking section 60.501 of the  
1-10 bill and inserting a new section 60.501 to read as follows:

1-11 Sec. 60.501. SAFETY AND SECURITY PROCEDURES; NO NEW  
1-12 DUTIES. The adoption and use by a district of a safety or security  
1-13 code, policy, or manual does not create any new or additional legal  
1-14 duties of the district not existing under common law or statutory  
1-15 law.

1-16 A BILL TO BE ENTITLED  
1-17 AN ACT

1-18 relating to the powers and duties of a navigation district or port  
1-19 authority.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 60.412(a), Water Code, is amended to  
1-22 read as follows:

1-23 (a) A contract for a purchase is exempt from the  
1-24 requirements of Sections 60.404 and 60.405 [~~of this code~~] if a  
1-25 contract is for the purchase of:

1-26 (1) an item that must be purchased in a case of public  
1-27 calamity if it is necessary to make the purchase promptly to relieve  
1-28 the necessity of the citizens or to preserve the property of the  
1-29 district or port authority;

1-30 (2) an item necessary to preserve or protect the  
1-31 public health or the safety of the residents of the district or port  
1-32 authority;

1-33 (3) an item made necessary by unforeseen damage to the  
1-34 property of the district or port authority;

1-35 (4) a personal or professional service;

1-36 (5) any work performed and paid for by the day as the  
1-37 work progresses;

1-38 (6) any land or right-of-way;

1-39 (7) an item that can be obtained only from one source,  
1-40 including:

1-41 (A) items for which competition is precluded  
1-42 because of the existence of patents, copyrights, secret processes,  
1-43 or natural monopolies;

1-44 (B) films, manuscripts, or books;

1-45 (C) public utility services; and

1-46 (D) captive replacement parts or components for  
1-47 equipment; [~~or~~]

1-48 (8) any item necessary to secure a district or port  
1-49 authority during a period of heightened security as determined by:

1-50 (A) the federal Department of Homeland Security,  
1-51 including the Transportation Security Administration;

1-52 (B) the United States Coast Guard;

1-53 (C) [~~the~~] United States Customs and Border  
1-54 Protection [Service];

1-55 (D) the Federal Bureau of Investigation;

1-56 (E) the federal Department of Transportation,  
1-57 including the Maritime Administration; or

1-58 (F) another federal, state, or local agency; or

1-59 (9) an item from the United States or from this state,  
1-60 including an agency of this state.

1-61 SECTION 2. Section 60.454, Water Code, is amended to read as  
1-62 follows:

2-1 Sec. 60.454. PURCHASING CONTRACT METHODS. Notwithstanding  
2-2 any other provision of this chapter or other law, a district  
2-3 contract valued at \$25,000 or more in the aggregate for each  
2-4 12-month period may be made by the method below that, in the opinion  
2-5 of the district's commission, provides the best value for the  
2-6 district:

- 2-7 (1) a design-build contract to construct,
- 2-8 rehabilitate, alter, or repair facilities;
- 2-9 (2) a contract to construct, rehabilitate, alter, or
- 2-10 repair facilities that involves using a construction manager-agent
- 2-11 or construction manager-at-risk;
- 2-12 (3) competitive sealed proposals;
- 2-13 (4) a job order contract for the construction, repair,
- 2-14 rehabilitation, or alteration of a facility;
- 2-15 (5) a request for proposals, if the contract is for
- 2-16 services other than construction services;
- 2-17 (6) competitive sealed bids;
- 2-18 (7) a catalog purchase as provided by Subchapter B,
- 2-19 Chapter 2157, Government Code;
- 2-20 (8) an interlocal contract as provided by Chapter 791,
- 2-21 Government Code; [~~or~~]
- 2-22 (9) the reverse auction procedure as defined by
- 2-23 Section 2155.062(d), Government Code;
- 2-24 (10) a contract with the United States; or
- 2-25 (11) a contract with this state, including an agency
- 2-26 of this state.

2-27 SECTION 3. Section 60.459(c), Water Code, is amended to  
2-28 read as follows:

2-29 (c) The district shall document the basis of its selection  
2-30 and shall make the evaluations public not later than the later of:

- 2-31 (1) the 30th [~~seventh~~] day after the date of the award
- 2-32 of the contract; or
- 2-33 (2) the next scheduled commission meeting.

2-34 SECTION 4. Chapter 60, Water Code, is amended by adding  
2-35 Subchapter Q to read as follows:

2-36 SUBCHAPTER Q. MISCELLANEOUS PROVISIONS

2-37 Sec. 60.501. SAFETY PROCEDURES; IMMUNITY FROM SUIT. A  
2-38 district that adopts a safety or security code, policy, or manual  
2-39 may not be sued for noncompliance with that code, policy, or manual.

2-40 SECTION 5. Subchapter D, Chapter 62, Water Code, is amended  
2-41 by adding Section 62.121 to read as follows:

2-42 Sec. 62.121. CONTRACTS WITH POLITICAL SUBDIVISIONS IN  
2-43 COUNTIES ADJACENT TO DISTRICT. (a) A district may contract with  
2-44 any person in a county adjacent to the district or with a county  
2-45 adjacent to the district to exercise a district power for any  
2-46 district purpose.

2-47 (b) As part of a contract under this section, a district  
2-48 may:

- 2-49 (1) issue bonds, including bonds secured by ad valorem
- 2-50 taxation; and
- 2-51 (2) use proceeds from bonds issued by the district to
- 2-52 finance a project that serves a district purpose in a county
- 2-53 adjacent to the district.

2-54 SECTION 6. This Act takes effect September 1, 2005.

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