

AN ACT

relating to contracts and purchases by certain navigation districts.

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

SECTION 1. Section 60.403(a), Water Code, is amended to read as follows:

(a) A port commission, an authorized designated officer of the port commission, the executive director of the district or the port authority, or an authorized representative of the executive director may make routine purchases or contracts in an amount not to exceed \$50,000 [~~\$25,000~~].

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

(a) Notwithstanding Sections 60.404 and 60.406, the executive director of a port commission or an officer of a port commission authorized in writing by the executive director of the port commission may make emergency purchases or contracts in an amount that exceeds \$50,000 [~~\$25,000~~] if necessary:

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

(2) to preserve the property of the district in the case of a public calamity;

(3) to repair unforeseen damage to the property of the district; or

(4) to respond to security directives issued by:

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

(B) the United States Coast Guard;

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

(D) another federal or state agency responsible
for domestic security.

SECTION 3. Sections 60.404(a) and (d), Water Code, are
amended to read as follows:

(a) If the materials, supplies, machinery, equipment, or
other items to be purchased or contracted for exceed \$50,000
~~[\$25,000]~~, notice shall be published as provided by this section.

(d) The specifications must:

(1) describe in detail the item to be acquired;

(2) require that bids be sealed;

(3) require the attachment to the bid of a certified
check, cashier's check, or bidders bond if the bid specifications
require the bidder to provide a certified check, cashier's check,
or bidders bond; and

(4) indicate whether a small business development
program adopted by the port commission of the port authority or
district applies to the purchase and, if so, where a copy of the
program requirements may be obtained.

SECTION 4. Section 60.406(a), Water Code, is amended to
read as follows:

(a) Before a district or port authority may purchase one or

1 more items under a contract that will require an expenditure of more
2 than \$50,000 [~~\$25,000~~], the port commission of that district or
3 port authority must comply with the competitive bidding
4 requirements or proposal procedures provided by Sections 60.404 and
5 60.405 of this code. All bids must be sealed.

6 SECTION 5. The change in law made by this Act applies only
7 to a purchase made or a contract entered into by a navigation
8 district on or after the effective date of this Act. A purchase
9 made or a contract entered into by a navigation district before the
10 effective date of this Act is governed by the law in effect
11 immediately before the effective date of this Act, and that law is
12 continued in effect for that purpose.

13 SECTION 6. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.

H.B. No. 1972

President of the Senate

Speaker of the House

I certify that H.B. No. 1972 was passed by the House on April 28, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1972 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor