

1-1 By: Hamilton (Senate Sponsor - Williams) H.B. No. 1972
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 1, 2009, read first time and referred to Committee on
1-4 International Relations and Trade; May 23, 2009, reported
1-5 favorably by the following vote: Yeas 6, Nays 0; May 23, 2009, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to contracts and purchases by certain navigation
1-10 districts.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 60.403(a), Water Code, is amended to
1-13 read as follows:

1-14 (a) A port commission, an authorized designated officer of
1-15 the port commission, the executive director of the district or the
1-16 port authority, or an authorized representative of the executive
1-17 director may make routine purchases or contracts in an amount not to
1-18 exceed \$50,000 [~~\$25,000~~].

1-19 SECTION 2. Section 60.4035(a), Water Code, is amended to
1-20 read as follows:

1-21 (a) Notwithstanding Sections 60.404 and 60.406, the
1-22 executive director of a port commission or an officer of a port
1-23 commission authorized in writing by the executive director of the
1-24 port commission may make emergency purchases or contracts in an
1-25 amount that exceeds \$50,000 [~~\$25,000~~] if necessary:

1-26 (1) to preserve or protect the public health and
1-27 safety of the residents of the district;

1-28 (2) to preserve the property of the district in the
1-29 case of a public calamity;

1-30 (3) to repair unforeseen damage to the property of the
1-31 district; or

1-32 (4) to respond to security directives issued by:

1-33 (A) the federal Department of Homeland Security,
1-34 including the Transportation Security Administration;

1-35 (B) the United States Coast Guard;

1-36 (C) the federal Department of Transportation,
1-37 including the Maritime Administration; or

1-38 (D) another federal or state agency responsible
1-39 for domestic security.

1-40 SECTION 3. Sections 60.404(a) and (d), Water Code, are
1-41 amended to read as follows:

1-42 (a) If the materials, supplies, machinery, equipment, or
1-43 other items to be purchased or contracted for exceed \$50,000
1-44 [~~\$25,000~~], notice shall be published as provided by this section.

1-45 (d) The specifications must:

1-46 (1) describe in detail the item to be acquired;

1-47 (2) require that bids be sealed;

1-48 (3) require the attachment to the bid of a certified
1-49 check, cashier's check, or bidders bond if the bid specifications
1-50 require the bidder to provide a certified check, cashier's check,
1-51 or bidders bond; and

1-52 (4) indicate whether a small business development
1-53 program adopted by the port commission of the port authority or
1-54 district applies to the purchase and, if so, where a copy of the
1-55 program requirements may be obtained.

1-56 SECTION 4. Section 60.406(a), Water Code, is amended to
1-57 read as follows:

1-58 (a) Before a district or port authority may purchase one or
1-59 more items under a contract that will require an expenditure of more
1-60 than \$50,000 [~~\$25,000~~], the port commission of that district or
1-61 port authority must comply with the competitive bidding
1-62 requirements or proposal procedures provided by Sections 60.404 and
1-63 60.405 of this code. All bids must be sealed.

1-64 SECTION 5. The change in law made by this Act applies only

2-1 to a purchase made or a contract entered into by a navigation
2-2 district on or after the effective date of this Act. A purchase
2-3 made or a contract entered into by a navigation district before the
2-4 effective date of this Act is governed by the law in effect
2-5 immediately before the effective date of this Act, and that law is
2-6 continued in effect for that purpose.

2-7 SECTION 6. This Act takes effect immediately if it receives
2-8 a vote of two-thirds of all the members elected to each house, as
2-9 provided by Section 39, Article III, Texas Constitution. If this
2-10 Act does not receive the vote necessary for immediate effect, this
2-11 Act takes effect September 1, 2009.

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