

1-1 By: Smith of Harris (Senate Sponsor - Ellis) H.B. No. 2771  
1-2 (In the Senate - Received from the House April 27, 2011;  
1-3 May 4, 2011, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 21, 2011, reported  
1-5 favorably by the following vote: Yeas 7, Nays 0; May 21, 2011, sent  
1-6 to printer.)

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

1-9 relating to the purchasing powers and duties of a navigation  
1-10 district or port authority.

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

1-12 SECTION 1. Section 60.4035(a), Water Code, as amended by  
1-13 Chapters 415 (H.B. 1972) and 1191 (H.B. 3785), Acts of the 81st  
1-14 Legislature, Regular Session, 2009, is reenacted to read as  
1-15 follows:

1-16 (a) Notwithstanding the competitive bidding requirements  
1-17 and proposal procedures of this subchapter and Subchapter O and the  
1-18 requirements of Sections 60.408(a), (b), (c), (d), and (e), the  
1-19 executive director of a district or an officer of a district  
1-20 authorized in writing by the port commission may make emergency  
1-21 purchases or contracts or emergency amendments to existing purchase  
1-22 orders or contracts in an amount that exceeds the amount authorized  
1-23 under Section 60.403(a) for routine purchases or contracts if  
1-24 necessary:

1-25 (1) to preserve or protect the public health and  
1-26 safety of the residents of the district;

1-27 (2) to preserve the property of the district in the  
1-28 case of a public calamity;

1-29 (3) to repair unforeseen damage to the property of the  
1-30 district; or

1-31 (4) to respond to security directives issued by:

1-32 (A) the federal Department of Homeland Security,  
1-33 including the Transportation Security Administration;

1-34 (B) the United States Coast Guard;

1-35 (C) the federal Department of Transportation,  
1-36 including the Maritime Administration; or

1-37 (D) another federal or state agency responsible  
1-38 for domestic security.

1-39 SECTION 2. Sections 60.404(a) and (d), Water Code, as  
1-40 amended by Chapters 415 (H.B. 1972) and 1191 (H.B. 3785), Acts of  
1-41 the 81st Legislature, Regular Session, 2009, are reenacted to read  
1-42 as follows:

1-43 (a) If the materials, supplies, machinery, equipment, or  
1-44 other items to be purchased or contracted for are valued at an  
1-45 amount greater than the amount authorized under Section 60.403(a)  
1-46 for routine purchases or contracts, notice shall be published as  
1-47 provided by this section.

1-48 (d) The specifications must:

1-49 (1) describe in detail the item to be acquired;

1-50 (2) require that bids be sealed;

1-51 (3) require the attachment to the bid of a certified  
1-52 check, cashier's check, or bidders bond, if security is required in  
1-53 connection with the bid; and

1-54 (4) indicate whether a small business development  
1-55 program adopted by the port commission of the port authority or  
1-56 district applies to the purchase and, if so, where a copy of the  
1-57 program requirements may be obtained.

1-58 SECTION 3. Section 60.406(a), Water Code, as amended by  
1-59 Chapters 415 (H.B. 1972) and 1191 (H.B. 3785), Acts of the 81st  
1-60 Legislature, Regular Session, 2009, is reenacted to read as  
1-61 follows:

1-62 (a) Except as otherwise provided by Section 60.4035 or  
1-63 60.412, before a district or port authority may purchase one or more  
1-64 items under a contract that will require an expenditure of more than

2-1 the amount authorized under Section 60.403(a) for routine purchases  
2-2 or contracts, the port commission of that district or port  
2-3 authority must comply with the competitive bidding requirements or  
2-4 proposal procedures provided by this subchapter or Subchapter O.  
2-5 All bids must be sealed.

2-6 SECTION 4. To the extent of any conflict, this Act prevails  
2-7 over another Act of the 82nd Legislature, Regular Session, 2011,  
2-8 relating to nonsubstantive additions to and corrections in enacted  
2-9 codes.

2-10 SECTION 5. This Act takes effect immediately if it receives  
2-11 a vote of two-thirds of all the members elected to each house, as  
2-12 provided by Section 39, Article III, Texas Constitution. If this  
2-13 Act does not receive the vote necessary for immediate effect, this  
2-14 Act takes effect September 1, 2011.

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