

1-1 By: Nichols S.B. No. 1500
 1-2 (In the Senate - Filed March 2, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Transportation;
 1-4 March 22, 2023, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 22, 2023, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|---------------|-----|-----|--------|-----|
| 1-7 Nichols | X | | | |
| 1-8 West | X | | | |
| 1-9 Alvarado | X | | | |
| 1-10 Eckhardt | X | | | |
| 1-11 Hancock | X | | | |
| 1-12 King | X | | | |
| 1-13 Miles | X | | | |
| 1-14 Parker | X | | | |
| 1-15 Perry | X | | | |

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to powers and duties of navigation districts and the
 1-20 boards of trustees of municipal port facilities.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 60.403, Water Code, is amended by
 1-23 amending Subsection (a) and adding Subsection (a-1) to read as
 1-24 follows:

1-25 (a) A port commission, an authorized designated officer of
 1-26 the port commission, the executive director of the district or the
 1-27 port authority, or an authorized representative of the executive
 1-28 director may make routine purchases or contracts in an amount not to
 1-29 exceed \$50,000, provided that a port commission may delegate
 1-30 authority to an authorized designated officer of the port
 1-31 commission, the executive director of the district or the port
 1-32 authority, or an authorized representative of the executive
 1-33 director to make routine purchases or contracts in an amount not to
 1-34 exceed \$100,000.

1-35 SECTION 2. Section 60.4035(a), Water Code, is amended to
 1-36 read as follows:

1-37 (a) Notwithstanding the competitive bidding requirements
 1-38 and proposal procedures of this subchapter and Subchapter O and the
 1-39 requirements of Sections 60.408(a), (b), (c), (d), and (e), the
 1-40 executive director of a district or an officer of a district
 1-41 authorized in writing by the port commission may make emergency
 1-42 purchases or contracts or emergency amendments to existing purchase
 1-43 orders or contracts in an amount that exceeds the amount authorized
 1-44 under Section 60.403(a) for routine purchases or contracts if
 1-45 necessary:

1-46 (1) to preserve or protect the public health and
 1-47 safety of the residents of the district;

1-48 (2) to preserve the property of the district in the
 1-49 case of a public calamity;

1-50 (3) to repair unforeseen damage to the property of the
 1-51 district; ~~or~~

1-52 (4) to respond to security directives issued by:

1-53 (A) the federal Department of Homeland Security,
 1-54 including the Transportation Security Administration;

1-55 (B) the United States Coast Guard;

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

1-58 (D) another federal or state agency responsible
 1-59 for domestic security; or

1-60 (5) to respond to an emergency related to (A) supply
 1-61 chain disruptions or shortages or (B) other disruptions or

2-1 stoppages of the operations of the district, which does not permit
 2-2 the delay incident to the competitive process, or undue cost,
 2-3 without harm to the welfare of the district.

2-4 SECTION 3. Section 60.412(a), Water Code, is amended to
 2-5 read as follows:

2-6 (a) A contract for a purchase is exempt from the competitive
 2-7 bidding requirements and proposal procedures of this subchapter and
 2-8 Subchapter O if a contract is for the purchase of:

2-9 (1) an item that must be purchased in a case of public
 2-10 calamity if it is necessary to make the purchase promptly to relieve
 2-11 the necessity of the citizens or to preserve the property of the
 2-12 district or port authority;

2-13 (2) an item necessary to preserve or protect the
 2-14 public health or the safety of the residents of the district or port
 2-15 authority;

2-16 (3) an item made necessary by unforeseen damage to the
 2-17 property of the district or port authority;

2-18 (4) a personal or professional service;

2-19 (5) any work performed and paid for by the day as the
 2-20 work progresses;

2-21 (6) any land or right-of-way;

2-22 (7) an item that can be obtained only from one source,
 2-23 including:

2-24 (A) items for which competition is precluded
 2-25 because of the existence of patents, copyrights, secret processes,
 2-26 or natural monopolies;

2-27 (B) films, manuscripts, or books;

2-28 (C) public utility services; and

2-29 (D) captive replacement parts or components for
 2-30 equipment;

2-31 (8) any item necessary to secure a district or port
 2-32 authority during a period of heightened security as determined by:

2-33 (A) the federal Department of Homeland Security,
 2-34 including the Transportation Security Administration;

2-35 (B) the United States Coast Guard;

2-36 (C) the United States Bureau of Customs and
 2-37 Border Protection;

2-38 (D) the Federal Bureau of Investigation;

2-39 (E) the federal Department of Transportation,
 2-40 including the Maritime Administration; or

2-41 (F) another federal, state, or local agency; [~~or~~]

2-42 (9) an item from the United States, including any
 2-43 agency thereof, or from this state, including an agency of this
 2-44 state; or

2-45 (10) to respond to an emergency related to (A) supply
 2-46 chain disruptions or shortages or (B) other disruptions or
 2-47 stoppages of the operations of the district, which does not permit
 2-48 the delay incident to the competitive process, or undue cost,
 2-49 without harm to the welfare of the district.

2-50 SECTION 4. Subchapter Q, Chapter 60, Water Code, is amended
 2-51 by adding Sections 60.503 and 60.504 to read as follows:

2-52 Sec. 60.503. COMMUNITY PROGRAMS. (a) In this section:

2-53 (1) "Historically underutilized business" has the
 2-54 meaning assigned by Section 2161.001, Government Code.

2-55 (2) "Local business" means a business concern with a
 2-56 principal place of business in the local area of a district, as
 2-57 determined by the port commission.

2-58 (3) "Small business" has the meaning assigned by
 2-59 Section 5.135(g).

2-60 (b) To stimulate business and commercial activity within a
 2-61 district, a district may develop and administer a program to:

2-62 (1) develop small businesses or historically
 2-63 underutilized businesses;

2-64 (2) promote or advertise the district; or

2-65 (3) improve the extent to which local businesses,
 2-66 small businesses, and other historically underutilized businesses
 2-67 are awarded district contracts.

2-68 (c) To develop or administer a program under this section, a
 2-69 district may:

