

Chapter 415

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

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

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

4 (B) the United States Coast Guard;

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

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

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

11 (a) If the materials, supplies, machinery, equipment, or  
12 other items to be purchased or contracted for exceed \$50,000  
13 [~~\$25,000~~], notice shall be published as provided by this section.

14 (d) The specifications must:

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

16 (2) require that bids be sealed;

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

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

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

27 (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.

David Newkirk

President of the Senate

Jim Strawn

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.

Robert Haney

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.

Daisy Spaw

Secretary of the Senate

APPROVED: 19 JUN '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
7PM O'CLOCK

JUN 19 2009

Colby Shuter III