

BILL ANALYSIS

Senate Research Center

H.B. 2828
By: Hamric (Gallegos)
Intergovernmental Relations
5/20/2005
Committee Report (Amended)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 2828 allows a navigation district to contract for a purchase from the State of Texas, the federal government, and their respective agencies. This is a similar practice to that of Section 60.454(8) (relating to a certain interlocal contract), Water Code, which authorizes interlocal contracts.

In addition, H.B. 2828 expands purchasing contract methods for a contract of \$25,000 or more in the aggregate for a 12-month period, to include a contract for a purchase from the state, the federal government, and their respective agencies.

Furthermore, current statutory requirements make evaluations of proposals public within seven days after a contract is awarded. H.B. 2828 extends this period to take into account typical time periods between public meetings of the district's governing body.

Finally, it is important that districts consider adoption of safety and security code policies in which the district does not incur the risks of civil litigation for having taken this initiative. Therefore, H.B. 2828 shelters a district from suit in relation to noncompliance with a safety or security code, policy, or manual that the district adopts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 60.412(a), Water Code, to provide that a contract for purchase is exempt from the requirements of Sections 60.404 (Competitive Bidding Requirements) and 60.405 (Proposal Procedures), if a contract is for the purchase of certain items, including an item from the United States or an agency of this state.

SECTION 2. Amends Section 60.454, Water Code, to make conforming changes.

SECTION 3. Amends Section 60.459(c), Water Code, to require the navigation district organized under Article III, Section 52 (Counties, Cities or Other Political Corporations or Subdivisions; Lending Credit; Grants; Bonds), or Article XVI, Section 59 (Conservation and Development of Natural Resources and Parks and Recreational Facilities; Conservation and Reclamation Districts), of the Texas Constitution (district), to document the basis of its selection and to make the evaluations public not later than the later of the 30th day, rather than the 7th day, after the date of the award of the contract or the next scheduled commission meeting.

SECTION 4. Amends Chapter 60, Water Code, by adding Subchapter Q, as follows:

SUBCHAPTER Q. MISCELLANEOUS PROVISIONS

Sec. 60.501. SAFETY PROCEDURES; IMMUNITY FROM SUIT. Prohibits a district that adopts a safety or security code, policy, or manual from being sued for noncompliance with that code, policy, or manual.

SECTION 5. Amends Subchapter D, Chapter 62, Water Code, by adding Section 62.121, as follows:

Sec. 62.121. CONTRACTS WITH POLITICAL SUBDIVISIONS IN COUNTIES ADJACENT TO DISTRICT. (a) Authorizes a district to contract with any person in a county adjacent to the district or with a county adjacent to the district to exercise a district power for any district purpose.

(b) Authorizes a district to take certain actions relating to the issuance of bonds and the financing of certain projects as part of a contract under this section.

SECTION 6. Effective date: September 1, 2005.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1:

Amends H.B. 2828, on page 2, line 30, by striking Section 60.501 of the bill and inserting a new Section 60.501, as follows:

Sec. 60.501. SAFETY AND SECURITY PROCEDURES; NO NEW DUTIES. Provides that the adoption and use by a district of a safety or security code, policy, or manual does not create any new or additional legal duties of the district not existing under common law or statutory law.