

By: Dominguez

H.B. No. 2565

A BILL TO BE ENTITLED

AN ACT

relating to the administration, powers, and duties of self-liquidating navigation districts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 63, Water Code, is amended by adding Section 63.1045 to read as follows:

Sec. 63.1045. EXECUTIVE DIRECTOR. (a) The district may employ an executive director of the district. If the district employs an executive director, the district must prescribe the duties and compensation of the executive director.

(b) The duties of an executive director may be performed by a general manager, port director, or chief executive officer.

SECTION 2. Section 63.105, Water Code, is amended to read as follows:

Sec. 63.105. ENGINEER. The district ~~[commission]~~ may employ a competent engineer whose term of office and compensation shall be determined by the district ~~[commission]~~.

SECTION 3. Section 63.107, Water Code, is amended to read as follows:

Sec. 63.107. DISTRICT EMPLOYEES. (a) The district:

(1) ~~[commission]~~ may employ assistant engineers and other persons as it considers necessary for the construction, maintenance, operation, and development of the district and~~;~~ its business and facilities~~;~~~~;~~ and

1 (2) shall determine their term of office and duties~~[7]~~
2 and fix their compensation.

3 (b) All employees may be removed by the district
4 ~~[commission]~~.

5 SECTION 4. Section 63.109, Water Code, is amended to read as
6 follows:

7 Sec. 63.109. PAYMENT OF COMPENSATION AND EXPENSES. The
8 district ~~[commission]~~ may draw warrants, issue checks, or use a
9 payment method adopted under Section 60.271 to pay for:

10 (1) ~~[legal]~~ services;

11 (2) ~~[, for]~~ the compensation ~~[salaries]~~ of ~~[the~~
12 ~~engineer, his assistant, or any other]~~ employees; and

13 (3) ~~[, and for]~~ all expenses incident and relating to
14 the district.

15 SECTION 5. The heading to Section 63.175, Water Code, is
16 amended to read as follows:

17 Sec. 63.175. SUPERVISION OF WORK ~~[BY ENGINEER]~~.

18 SECTION 6. Section 63.175(a), Water Code, is amended to
19 read as follows:

20 (a) Unless done under the supervision of the United States,
21 all work contracted for by the district ~~[commission]~~ shall be done
22 under the supervision of a representative of the district
23 ~~[engineer]~~.

24 SECTION 7. Sections 63.176(a) and (b), Water Code, are
25 amended to read as follows:

26 (a) A representative of the district ~~[The commission]~~ shall
27 inspect the work being done during its progress, and on completion

1 of the contract, the district [~~commission~~] shall draw a warrant on
2 the district depository or issue a check in favor of the contractor
3 or the contractor's [~~his~~] assignee for the amount of the contract
4 price. The warrant or check shall be paid from the construction and
5 maintenance or operating fund.

6 (b) If the district [~~commission~~] considers it advisable, it
7 may contract to pay for the work in partial payments as the work
8 progresses. Partial [~~, but the partial~~] payments may not be more in
9 the aggregate than the amount allowed under applicable laws [~~90~~
10 ~~percent of the contract price of the total amount of work done under~~
11 ~~the contract~~]. The amount of the work shall be shown by a
12 certificate of a representative of the district [~~engineer~~].

13 SECTION 8. Subchapter D, Chapter 63, Water Code, is amended
14 by adding Section 63.184 to read as follows:

15 Sec. 63.184. DISPOSITION OF SALVAGE OR SURPLUS PROPERTY.
16 The commission may authorize the executive director or the
17 executive director's designee to sell, destroy, donate, or
18 otherwise dispose of the district's surplus or salvage personal
19 property by any method the executive director or the executive
20 director's designee determines is in the best interest of the
21 district.

22 SECTION 9. Section 63.175(b), Water Code, is repealed.

23 SECTION 10. This Act takes effect immediately if it
24 receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution.
26 If this Act does not receive the vote necessary for immediate
27 effect, this Act takes effect September 1, 2019.