

By: Perez

H.B. No. 3949

A BILL TO BE ENTITLED

AN ACT

relating to the administration of navigation districts.

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

SECTION 1. Section 60.101(d), Water Code, is amended to read as follows:

(d) A district may contract with a broker to sell or lease a tract of land in the same manner as the commissioners court of a county under Section 263.008, Local Government Code.

SECTION 2. Section 60.103, Water Code, is amended to read as follows:

Sec. 60.103. PRESCRIBING FEES AND CHARGES. (a) The district [~~commission~~] shall prescribe fees and charges to be collected for the use of the land, improvements, and facilities of the district and for the use of any land, improvements, or facilities acquired under the provisions of this subchapter. The fees and charges shall be reasonable, equitable, and sufficient to produce revenue necessary to exercise the powers described by Section 60.101 and adequate to pay the expenses described by [~~mentioned in~~] Section 60.105 [~~of this code~~].

(b) A rule or schedule of rates, including a limitation of liability for cargo loss or damage, that relates to receiving, delivering, handling, or storing property at a district marine terminal and is made available to the public by publication is enforceable by an appropriate court as an implied contract without

1 proof of actual knowledge of its provisions.

2 SECTION 3. The heading to Section 60.405, Water Code, is
3 amended to read as follows:

4 Sec. 60.405. PROPOSAL PROCEDURES [~~COMPETITIVE SEALED~~
5 ~~PROPOSALS~~].

6 SECTION 4. Section 62.153, Water Code, as amended by
7 Chapters 398 (S.B. 1131) and 427 (S.B. 1395), Acts of the 85th
8 Legislature, Regular Session, 2017, is reenacted and amended to
9 read as follows:

10 Sec. 62.153. DUTIES OF DISTRICT TREASURER. (a) The
11 district treasurer shall:

12 (1) open an account for all funds received by the
13 district treasurer for the district and all district funds which
14 the treasurer pays out;

15 (2) pay out money on vouchers signed by the chairman of
16 the commission, any two members of the commission, or the
17 commissioners court, or any two of any number of persons delegated
18 by the commission with authority to sign vouchers, provided that
19 the commission may, in such delegation, limit the authority of such
20 persons and may require that each furnish a fidelity bond in such
21 amount as the commission shall specify and subject to commission
22 approval;

23 (3) carefully preserve all orders for the payment of
24 money; and

25 (4) render a correct account to the commissioners
26 court of all matters relating to the financial condition of the
27 district as often as required by the commissioners court.

1 (b) The district treasurer is not~~[, and~~

2 [~~(5) not be~~] required to sign a check drawn on a
3 depository selected under Section 62.156, unless the district
4 treasurer is the designated officer of the district, as defined by
5 Section 60.271(g).

6 (c) [~~(b)~~] A designated officer of a district may make a
7 payment on behalf of the district by a check drawn on a depository
8 selected under Section 62.155 in a manner consistent with the
9 payment procedures adopted under Section 60.271(f) without
10 authorization by the district treasurer.

11 SECTION 5. To the extent of any conflict, this Act prevails
12 over another Act of the 86th Legislature, Regular Session, 2019,
13 relating to nonsubstantive additions to and corrections in enacted
14 codes.

15 SECTION 6. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2019.