

By: Hinojosa

S.B. No. 755

A BILL TO BE ENTITLED

AN ACT

relating to the administration, powers, and duties of certain navigation districts.

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

SECTION 1. Subchapter C, Chapter 62, Water Code, is amended by adding Section 62.0725 to read as follows:

Sec. 62.0725. EXECUTIVE DIRECTOR. (a) The commission may employ an executive director of the district. If the commission employs an executive director, the commission must prescribe the duties and compensation of the executive director.

(b) By rule, order, or resolution, the commission may delegate to an executive director the full authority necessary to manage the affairs of the district subject only to orders of the commission, including the authority to:

(1) employ persons necessary for the operation of the district and to determine the compensation of those persons; or

(2) perform any act on behalf of the district, as authorized by the commission.

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

SECTION 2. The heading to Section 62.077, Water Code, is amended to read as follows:

Sec. 62.077. [~~ASSISTANT ENGINEERS AND EMPLOYEES,~~]  
COUNSEL[~~, SALARIES AND FEES~~].

1 SECTION 3. Section 62.077(c), Water Code, is amended to  
2 read as follows:

3 (c) The [~~amount of compensation for employees and~~] fees of  
4 counsel shall be determined by the commission.

5 SECTION 4. Section 62.113, Water Code, is amended to read as  
6 follows:

7 Sec. 62.113. FORM OF CONTRACTS. All contracts made by the  
8 district [~~commission~~] shall be in writing and signed by the  
9 contractors [~~and at least two of the commissioners~~], the executive  
10 director of the district, [~~or~~] an authorized representative of the  
11 executive director, or a person to whom the duties of executive  
12 director have been delegated.

13 SECTION 5. The heading to Section 62.115, Water Code, is  
14 amended to read as follows:

15 Sec. 62.115. SUPERVISION OF WORK [~~, REPORT~~].

16 SECTION 6. Section 62.115(a), Water Code, is amended to  
17 read as follows:

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

22 SECTION 7. Sections 62.116(a) and (b), Water Code, are  
23 amended to read as follows:

24 (a) A representative of the district [~~The commission~~] shall  
25 inspect the progress of work being done under a contract, and on  
26 completion of the contract, the district's chief financial officer  
27 [~~commission~~] shall draw a warrant on the county treasurer or issue a

1 check payable to the contractor or the contractor's [~~his~~] assignee  
2 for the amount of the contract price. The warrant or check shall be  
3 paid out of the construction and maintenance fund or the operating  
4 fund of the district.

5 (b) If the district [~~commission~~] considers it advisable,  
6 the district [~~it~~] may contract for work to be paid for in partial  
7 payments as the work progresses. [~~The partial payments may not~~  
8 ~~exceed in the aggregate eighty percent of the total amount to be~~  
9 ~~paid under the contract.~~] The amount of work completed at the time  
10 of the partial payment shall be shown by a certificate of a  
11 representative of the district [~~engineer~~].

12 SECTION 8. Section 62.152, Water Code, is amended to read as  
13 follows:

14 Sec. 62.152. PAYMENT OF EXPENSES [~~WARRANTS~~]. The district  
15 [~~commission~~] may draw warrants or issue checks:

- 16 (1) to pay for [~~legal~~] services;  
17 (2) to pay the compensation [~~salary~~] of [~~the engineer,~~  
18 ~~his assistant, and any other~~] employees; and  
19 (3) to pay all expenses incident to operation of the  
20 district.

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

25 Sec. 62.153. DUTIES OF DISTRICT TREASURER; AUTHORITY OF  
26 DESIGNATED OFFICER. (a) The district treasurer shall:

- 27 (1) open an account for all funds received by the

1 district treasurer for the district and all district funds which  
2 the treasurer pays out;

3 (2) pay out money on vouchers signed by the chairman of  
4 the commission, any two members of the commission, or the  
5 commissioners court, or any two of any number of persons delegated  
6 by the commission with authority to sign vouchers, provided that  
7 the commission may, in such delegation, limit the authority of such  
8 persons and may require that each furnish a fidelity bond in such  
9 amount as the commission shall specify and subject to commission  
10 approval;

11 (3) carefully preserve all orders for the payment of  
12 money; and

13 (4) render a correct account to the commissioners  
14 court of all matters relating to the financial condition of the  
15 district as often as required by the commissioners court.

16 (b) The district treasurer is not~~, and~~  
17 ~~[(5) not be]~~ required to sign a check drawn on a  
18 depository selected under Section 62.156, unless the district  
19 treasurer is the designated officer of the district, as defined by  
20 Section 60.271(g).

21 (c) ~~[(b)]~~ A designated officer of a district may make a  
22 payment on behalf of the district by a check drawn on a depository  
23 selected under Section 62.155 in a manner consistent with the  
24 payment procedures adopted under Section 60.271(f) without  
25 authorization by the district treasurer.

26 SECTION 10. Subchapter C, Chapter 63, Water Code, is  
27 amended by adding Section 63.1045 to read as follows:

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

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

7       SECTION 11. Section 63.105, Water Code, is amended to read  
8 as follows:

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

12       SECTION 12. Section 63.107, Water Code, is amended to read  
13 as follows:

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

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

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

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

23       SECTION 13. Section 63.109, Water Code, is amended to read  
24 as follows:

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

- 1           (1) ~~[legal]~~ services;
- 2           (2) ~~[, for]~~ the compensation ~~[salaries]~~ of ~~[the~~  
3 ~~engineer, his assistant, or any other]~~ employees; and
- 4           (3) ~~[, and for]~~ all expenses incident and relating to  
5 the district.

6           SECTION 14. The heading to Section 63.175, Water Code, is  
7 amended to read as follows:

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

9           SECTION 15. Section 63.175(a), Water Code, is amended to  
10 read as follows:

11           (a) Unless done under the supervision of the United States,  
12 all work contracted for by the district ~~[commission]~~ shall be done  
13 under the supervision of a representative of the district  
14 ~~[engineer]~~.

15           SECTION 16. Sections 63.176(a) and (b), Water Code, are  
16 amended to read as follows:

17           (a) A representative of the district ~~[The commission]~~ shall  
18 inspect the work being done during its progress, and on completion  
19 of the contract, the district ~~[commission]~~ shall draw a warrant on  
20 the district depository or issue a check in favor of the contractor  
21 or the contractor's ~~[his]~~ assignee for the amount of the contract  
22 price. The warrant or check shall be paid from the construction and  
23 maintenance or operating fund.

24           (b) If the district ~~[commission]~~ considers it advisable, it  
25 may contract to pay for the work in partial payments as the work  
26 progresses. Partial ~~[, but the partial]~~ payments may not be more in  
27 the aggregate than the amount allowed under applicable laws ~~[90~~

1 ~~percent of the contract price of the total amount of work done under~~  
2 ~~the contract].~~ The amount of the work shall be shown by a  
3 certificate of a representative of the district ~~[engineer]~~.

4 SECTION 17. Section 63.175(b), Water Code, is repealed.

5 SECTION 18. The following provisions of the Water Code are  
6 repealed:

- 7 (1) Section 62.076;
- 8 (2) Section 62.077(a); and
- 9 (3) Section 62.115(b).

10 SECTION 19. To the extent of any conflict, this Act controls  
11 over another Act of the 86th Legislature, Regular Session, 2019,  
12 relating to nonsubstantive additions to and corrections in enacted  
13 codes.

14 SECTION 20. This Act takes effect immediately if it  
15 receives a vote of two-thirds of all the members elected to each  
16 house, as provided by Section 39, Article III, Texas Constitution.  
17 If this Act does not receive the vote necessary for immediate  
18 effect, this Act takes effect September 1, 2019.