

By: Hinojosa
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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~~].

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

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

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

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

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

Sec. 62.115. SUPERVISION OF WORK~~[-REPORT]~~.

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

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

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

(a) A representative of the district ~~[The commission]~~ shall inspect the progress of work being done under a contract, and on completion of the contract, the district's chief financial officer ~~[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[~~7~~] its
18 business and facilities;[7] and

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