

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 62.122(a), Water Code, is amended to
13 read as follows:

14 (a) The [~~Except as provided by Subsection (b), the~~]
15 commission may authorize the executive director to sell, destroy,
16 donate, or otherwise dispose of the district's [~~periodically~~
17 ~~dispose of~~] surplus or salvage personal property by any method the
18 executive director or the executive director's designee determines
19 is in the best interest of the district [~~in the same manner as the~~
20 ~~commissioners court of a county under Subchapter D, Chapter 263,~~
21 ~~Local Government Code~~].

22 SECTION 9. Section 62.152, Water Code, is amended to read as
23 follows:

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

- 26 (1) to pay for [~~legal~~] services;
- 27 (2) to pay the compensation [~~salary~~] of [~~the engineer,~~

1 ~~his assistant, and any other]~~ employees; and

2 (3) to pay all expenses incident to operation of the
3 district.

4 SECTION 10. Section 62.153, Water Code, as amended by
5 Chapters 398 (S.B. 1131) and 427 (S.B. 1395), Acts of the 85th
6 Legislature, Regular Session, 2017, is reenacted and amended to
7 read as follows:

8 Sec. 62.153. DUTIES OF DISTRICT TREASURER. (a) The
9 district treasurer shall:

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

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

21 (3) carefully preserve all orders for the payment of
22 money; and

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

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

27 [~~5) not be]~~ required to sign a check drawn on a

1 depository selected under Section 62.156, unless the district
2 treasurer is the designated officer of the district, as defined by
3 Section 60.271(g).

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

9 SECTION 11. The following provisions of the Water Code are
10 repealed:

- 11 (1) Section 62.076;
- 12 (2) Section 62.077(a);
- 13 (3) Section 62.115(b); and
- 14 (4) Section 62.122(b).

15 SECTION 12. To the extent of any conflict, this Act controls
16 over another Act of the 86th Legislature, Regular Session, 2019,
17 relating to nonsubstantive additions to and corrections in enacted
18 codes.

19 SECTION 13. This Act takes effect immediately if it
20 receives a vote of two-thirds of all the members elected to each
21 house, as provided by Section 39, Article III, Texas Constitution.
22 If this Act does not receive the vote necessary for immediate
23 effect, this Act takes effect September 1, 2019.