

1-1 By: Hinojosa S.B. No. 755
 1-2 (In the Senate - Filed February 11, 2019; March 1, 2019,
 1-3 read first time and referred to Committee on Transportation;
 1-4 April 4, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 4, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 755 By: Hinojosa

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the administration, powers, and duties of certain
 1-22 navigation districts.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter C, Chapter 62, Water Code, is amended
 1-25 by adding Section 62.0725 to read as follows:

1-26 Sec. 62.0725. EXECUTIVE DIRECTOR. (a) The commission may
 1-27 employ an executive director of the district. If the commission
 1-28 employs an executive director, the commission must prescribe the
 1-29 duties and compensation of the executive director.

1-30 (b) By rule, order, or resolution, the commission may
 1-31 delegate to an executive director the full authority necessary to
 1-32 manage the affairs of the district subject only to orders of the
 1-33 commission, including the authority to:

1-34 (1) employ persons necessary for the operation of the
 1-35 district and to determine the compensation of those persons; or

1-36 (2) perform any act on behalf of the district, as
 1-37 authorized by the commission.

1-38 (c) The duties of an executive director may be performed by
 1-39 a general manager or chief executive officer.

1-40 SECTION 2. The heading to Section 62.077, Water Code, is
 1-41 amended to read as follows:

1-42 Sec. 62.077. [ASSISTANT ENGINEERS AND EMPLOYEES,]
 1-43 COUNSEL[, SALARIES AND FEES].

1-44 SECTION 3. Section 62.077(c), Water Code, is amended to
 1-45 read as follows:

1-46 (c) The [amount of compensation for employees and] fees of
 1-47 counsel shall be determined by the commission.

1-48 SECTION 4. Section 62.113, Water Code, is amended to read as
 1-49 follows:

1-50 Sec. 62.113. FORM OF CONTRACTS. All contracts made by the
 1-51 district [commission] shall be in writing and signed by the
 1-52 contractors [and at least two of the commissioners], the executive
 1-53 director of the district, [or] an authorized representative of the
 1-54 executive director, or a person to whom the duties of executive
 1-55 director have been delegated.

1-56 SECTION 5. The heading to Section 62.115, Water Code, is
 1-57 amended to read as follows:

1-58 Sec. 62.115. SUPERVISION OF WORK[, REPORT].

1-59 SECTION 6. Section 62.115(a), Water Code, is amended to
 1-60 read as follows:

2-1 (a) Unless done under the supervision of the United States,
 2-2 all work contracted for by the district [~~commission~~] shall be done
 2-3 under the supervision of a representative of the district
 2-4 [~~engineer~~].

2-5 SECTION 7. Sections 62.116(a) and (b), Water Code, are
 2-6 amended to read as follows:

2-7 (a) A representative of the district [~~The commission~~] shall
 2-8 inspect the progress of work being done under a contract, and on
 2-9 completion of the contract, the district's chief financial officer
 2-10 [~~commission~~] shall draw a warrant on the county treasurer or issue a
 2-11 check payable to the contractor or the contractor's [~~his~~] assignee
 2-12 for the amount of the contract price. The warrant or check shall be
 2-13 paid out of the construction and maintenance fund or the operating
 2-14 fund of the district.

2-15 (b) If the district [~~commission~~] considers it advisable,
 2-16 the district [~~it~~] may contract for work to be paid for in partial
 2-17 payments as the work progresses. [~~The partial payments may not~~
 2-18 ~~exceed in the aggregate eighty percent of the total amount to be~~
 2-19 ~~paid under the contract.~~] The amount of work completed at the time
 2-20 of the partial payment shall be shown by a certificate of a
 2-21 representative of the district [~~engineer~~].

2-22 SECTION 8. Section 62.122(a), Water Code, is amended to
 2-23 read as follows:

2-24 (a) The [~~Except as provided by Subsection (b), the~~]
 2-25 commission may authorize the executive director to sell, destroy,
 2-26 donate, or otherwise dispose of the district's [~~periodically~~
 2-27 ~~dispose of~~] surplus or salvage personal property by any method the
 2-28 executive director or the executive director's designee determines
 2-29 is in the best interest of the district [~~in the same manner as the~~
 2-30 ~~commissioners court of a county under Subchapter D, Chapter 263,~~
 2-31 ~~Local Government Code~~].

2-32 SECTION 9. Section 62.152, Water Code, is amended to read as
 2-33 follows:

2-34 Sec. 62.152. PAYMENT OF EXPENSES [~~WARRANTS~~]. The district
 2-35 [~~commission~~] may draw warrants or issue checks:

- 2-36 (1) to pay for [~~legal~~] services;
- 2-37 (2) to pay the compensation [~~salary~~] of [~~the engineer,~~
 2-38 ~~his assistant, and any other~~] employees; and
- 2-39 (3) to pay all expenses incident to operation of the
 2-40 district.

2-41 SECTION 10. Section 62.153, Water Code, as amended by
 2-42 Chapters 398 (S.B. 1131) and 427 (S.B. 1395), Acts of the 85th
 2-43 Legislature, Regular Session, 2017, is reenacted and amended to
 2-44 read as follows:

2-45 Sec. 62.153. DUTIES OF DISTRICT TREASURER; AUTHORITY OF
 2-46 DESIGNATED OFFICER. (a) The district treasurer shall:

- 2-47 (1) open an account for all funds received by the
 2-48 district treasurer for the district and all district funds which
 2-49 the treasurer pays out;
- 2-50 (2) pay out money on vouchers signed by the chairman of
 2-51 the commission, any two members of the commission, or the
 2-52 commissioners court, or any two of any number of persons delegated
 2-53 by the commission with authority to sign vouchers, provided that
 2-54 the commission may, in such delegation, limit the authority of such
 2-55 persons and may require that each furnish a fidelity bond in such
 2-56 amount as the commission shall specify and subject to commission
 2-57 approval;
- 2-58 (3) carefully preserve all orders for the payment of
 2-59 money; and
- 2-60 (4) render a correct account to the commissioners
 2-61 court of all matters relating to the financial condition of the
 2-62 district as often as required by the commissioners court.

2-63 (b) The district treasurer is not [~~and~~
 2-64 [~~(5) not be~~] required to sign a check drawn on a
 2-65 depository selected under Section 62.156, unless the district
 2-66 treasurer is the designated officer of the district, as defined by
 2-67 Section 60.271(g).

2-68 (c) [~~(b)~~] A designated officer of a district may make a
 2-69 payment on behalf of the district by a check drawn on a depository

3-1 selected under Section 62.155 in a manner consistent with the
3-2 payment procedures adopted under Section 60.271(f) without
3-3 authorization by the district treasurer.

3-4 SECTION 11. The following provisions of the Water Code are
3-5 repealed:

- 3-6 (1) Section 62.076;
- 3-7 (2) Section 62.077(a); and
- 3-8 (3) Section 62.115(b).

3-9 SECTION 12. To the extent of any conflict, this Act controls
3-10 over another Act of the 86th Legislature, Regular Session, 2019,
3-11 relating to nonsubstantive additions to and corrections in enacted
3-12 codes.

3-13 SECTION 13. This Act takes effect immediately if it
3-14 receives a vote of two-thirds of all the members elected to each
3-15 house, as provided by Section 39, Article III, Texas Constitution.
3-16 If this Act does not receive the vote necessary for immediate
3-17 effect, this Act takes effect September 1, 2019.

3-18 * * * * *