

BILL ANALYSIS

C.S.H.B. 1928
By: Herrero
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that certain statutory provisions relating to the administration of Article XVI, Section 59, navigation districts and self-liquidating navigation districts should be updated to provide for more modern management practices. C.S.H.B. 1928 seeks to address this issue by providing for the employment of an executive director of these districts and by making certain other revisions relating to such a district's powers and duties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1928 amends the Water Code to authorize the navigation and canal commission to employ an executive director for an Article XVI, Section 59, navigation district and to delegate to the executive director by rule, order, or resolution the full authority necessary to manage the affairs of the district subject only to orders of the commission, including the authority to employ persons necessary for the operation of the district and to determine the compensation of those persons or perform any act on behalf of the district, as authorized by the commission. The bill requires the commission, if the commission employs an executive director, to prescribe the duties and compensation of the executive director and provides that the duties of an executive director may be performed by a general manager or chief executive officer. The bill revises provisions relating to the powers and duties of such a navigation district, including the form of contracts made by the district, the supervision and inspection of work contracted by the district, and the payment of district expenses. The bill repeals provisions relating to the commission's authority to employ a district engineer or assistant engineers.

C.S.H.B. 1928 authorizes a self-liquidating navigation district to employ an executive director of the district. The bill requires the district, if the district employs an executive director, to prescribe the duties and compensation of the executive director and establishes that the duties of an executive director may be performed by a general manager, port director, or chief executive officer. The bill revises provisions relating to the powers and duties of such a navigation district, including the transfer of certain duties from the board of navigation and canal commissioners to the district, the payment of compensation and expenses relating to the district, and the supervision of, inspection of, and payment for work contracted by the district. The bill repeals the requirement that the district engineer make a detailed report regarding contract compliance.

C.S.H.B. 1928 repeals the following provisions of the Water Code:

- Section 62.076
- Section 62.077(a)
- Section 62.115(b)
- Section 63.175(b)

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1928 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a revision of the powers and duties of an Article XVI, Section 59, navigation district regarding the disposition of surplus and salvage personal property. The substitute does not include the repeal of the authorization for the navigation and canal commission to authorize the destruction or disposition of such property.

The substitute includes the following regarding a self-liquidating navigation district:

- an authorization for a district to employ an executive director of the district and related provisions;
- a revision of certain powers and duties of a district; and
- a repeal of the requirement for the district engineer to make a detailed report regarding contract compliance.