

By: Callegari

H.B. No. 2477

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of parks and recreational facilities by
3 certain conservation and reclamation districts.

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

5 SECTION 1. Section 49.001(a)(10), Water Code, is amended to
6 read as follows:

7 (10) "District facility" means tangible real and
8 personal property of the district, including any plant, equipment,
9 means, recreational facility as defined by Section 49.462, or
10 instrumentality owned, leased, operated, used, controlled,
11 furnished, or supplied for, by, or in connection with the business
12 or operations of a district. The term specifically includes a
13 reservoir or easement of a district.

14 SECTION 2. Section 49.461(a), Water Code, is amended to
15 read as follows:

16 (a) The legislature finds that:

17 (1) the provision of parks and recreational facilities
18 is necessary and desirable for the health and well-being of the
19 people of this state; and

20 (2) it is the policy of the state and the purpose of
21 this subchapter to encourage persons in districts to provide parks
22 and recreational facilities for their use and benefit[+]

23 [~~(3) within constitutional limitations, the power to~~
24 ~~enact laws vested in the legislature by Section 1, Article III,~~

1 ~~Texas Constitution, is supreme,~~

2 ~~[(4) there is no constitutional inhibition that would~~
3 ~~prohibit the legislature from authorizing districts to acquire,~~
4 ~~own, develop, construct, improve, manage, operate, and maintain~~
5 ~~parks and recreational facilities; and~~

6 ~~[(5) the general legislative power alone is adequate~~
7 ~~to support the enactment of this subchapter without reference to~~
8 ~~any specific constitutional authorization].~~

9 SECTION 3. Section 49.463, Water Code, is amended to read as
10 follows:

11 Sec. 49.463. AUTHORIZATION OF RECREATIONAL FACILITIES. In
12 addition to the other purposes for which a district is created, a
13 district is created for the purpose of financing, developing, and
14 maintaining recreational facilities for the people in the district.
15 A district may accomplish this purpose as provided in this
16 subchapter.

17 SECTION 4. Section 49.464, Water Code, is amended by
18 amending Subsections (a) and (b) and adding Subsections (d)-(g) to
19 read as follows:

20 (a) A district may ~~[not]~~ issue bonds supported by ad valorem
21 taxes to pay for the development and maintenance of recreational
22 facilities only if the bonds are authorized by a majority vote of
23 the qualified voters of the district voting in an election held for
24 that purpose. The board may issue bonds payable solely from
25 revenues by resolution or by order of the board without an election.
26 A district may not issue bonds supported by ad valorem taxes to pay
27 for the development and maintenance of indoor or outdoor swimming

1 pools.

2 (b) A [~~Except as provided by Subsection (a), a~~] district may
3 acquire recreational facilities and obtain funds to develop and
4 maintain them in the same manner as authorized elsewhere in this
5 code for the acquisition, development, and maintenance of other
6 district facilities. A district may charge fees directly to the
7 users of recreational facilities and to water and wastewater
8 customers of the district to pay for all or part of the cost of their
9 development and maintenance. To enforce payment of an unpaid fee
10 charged under this subsection, the district may:

11 (1) seek legal restitution of the unpaid fee; and

12 (2) refuse use of a recreational facility to the
13 person who owes the unpaid fee.

14 (d) Not later than the 10th day before an election is held to
15 authorize the issuance of bonds for the development and maintenance
16 of recreational facilities, the board shall file in the district
17 office for review by the public a park plan covering the land,
18 improvements, facilities, and equipment to be purchased or
19 constructed and their estimated cost, together with maps, plats,
20 drawings, and data fully showing and explaining the park plan. The
21 park plan is not part of the proposition to be voted on and the park
22 plan does not create a contract with the voters.

23 (e) Notice of a bond election for the development and
24 maintenance of recreational facilities must contain the
25 proposition to be voted on, which must include the estimate of the
26 probable cost of design, construction, purchase, acquisition, and
27 maintenance of improvements and additions, and incidental expenses

1 connected with the improvements and the issuance of bonds.

2 (f) A bond election for the development and maintenance of
3 recreational facilities may be held on the same day as another
4 district election. The board may call a bond election by a separate
5 election order or as part of another election order. The board may
6 submit multiple purposes in a single proposition at an election.

7 (g) The board may call a bond election for the development
8 and maintenance of recreational facilities as a result of an
9 agreement to annex additional territory into the district.

10 SECTION 5. Subchapter N, Chapter 49, Water Code, is amended
11 by adding Section 49.466 to read as follows:

12 Sec. 49.466. COMMISSION RULES. The commission shall adopt
13 rules regarding the provision and financing of recreational
14 facilities.

15 SECTION 6. Section 49.461(b), Water Code, and Subchapter I,
16 Chapter 54, Water Code, are repealed.

17 SECTION 7. This Act takes effect on the date on which the
18 constitutional amendment proposed by the 78th Legislature, Regular
19 Session, 2003, relating to the provision of parks and recreational
20 facilities by certain conservation and reclamation districts is
21 approved by the voters. If that amendment is not approved by the
22 voters, this Act has no effect.