

AN ACT

relating to the provision of parks and recreational facilities by certain conservation and reclamation districts; authorizing the issuance of bonds on voter approval.

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

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

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

SECTION 2. Section 49.107, Water Code, is amended by adding Subsection (h) to read as follows:

(h) To the extent authorized by Section 59, Article XVI, Texas Constitution, an operation and maintenance tax to be used for recreational facilities, as defined by Section 49.462, levied by a district located in a county with a population of more than 3.3 million or in a county adjacent to that county may not exceed 10 cents per \$100 of assessed valuation of taxable property in the district.

SECTION 3. Subsection (a), Section 49.461, Water Code, is

1 amended to read as follows:

2 (a) The legislature finds that:

3 (1) the provision of parks and recreational facilities
4 is necessary and desirable for the health and well-being of the
5 people of this state; and

6 (2) it is the policy of the state and the purpose of
7 this subchapter to encourage persons in districts to provide parks
8 and recreational facilities for their use and benefit[~~+~~

9 [~~(3) within constitutional limitations, the power to
10 enact laws vested in the legislature by Section 1, Article III,
11 Texas Constitution, is supreme,~~

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

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

19 SECTION 4. Section 49.463, Water Code, is amended to read as
20 follows:

21 Sec. 49.463. AUTHORIZATION OF RECREATIONAL FACILITIES. In
22 addition to the other purposes for which a district is created, a
23 district is created for the purpose of financing, developing, and
24 maintaining recreational facilities for the people in the district.
25 A district may accomplish this purpose as provided in this
26 subchapter.

27 SECTION 5. Section 49.464, Water Code, is amended by

1 amending Subsection (a) and adding Subsection (d) to read as
2 follows:

3 (a) Except as provided by Section 49.4645, a [A] district
4 may not issue bonds supported by ad valorem taxes to pay for the
5 development and maintenance of recreational facilities.

6 (d) A district may issue bonds payable solely from revenues
7 by resolution or order of the board without an election.

8 SECTION 6. Subchapter N, Chapter 49, Water Code, is amended
9 by adding Section 49.4645 to read as follows:

10 Sec. 49.4645. DISTRICT IN CERTAIN COUNTIES: BONDS FOR
11 RECREATIONAL FACILITIES. (a) A district all or part of which is
12 located in Bastrop County, Bexar County, Waller County, Travis
13 County, Williamson County, Harris County, Galveston County,
14 Brazoria County, or Fort Bend County may issue bonds supported by ad
15 valorem taxes to pay for the development and maintenance of
16 recreational facilities only if the bonds are authorized by a
17 majority vote of the qualified voters of the district voting in an
18 election held for that purpose. The outstanding principal amount
19 of bonds, notes, and other obligations issued to finance parks and
20 recreational facilities payable from any source may not exceed an
21 amount equal to one percent of the value of the taxable property in
22 the district as shown by the tax rolls of the central appraisal
23 district at the time of the issuance of the bonds, notes, and other
24 obligations or an amount greater than the estimated cost provided
25 in the park plan under Subsection (b), whichever is smaller. The
26 district may not issue bonds supported by ad valorem taxes to pay
27 for the development and maintenance of:

1 (1) indoor or outdoor swimming pools; or

2 (2) golf courses.

3 (b) Not later than the 10th day before an election is held to
4 authorize the issuance of bonds for the development and maintenance
5 of recreational facilities, the board shall file in the district
6 office for review by the public a park plan covering the land,
7 improvements, facilities, and equipment to be purchased or
8 constructed and their estimated cost, together with maps, plats,
9 drawings, and data fully showing and explaining the park plan. The
10 park plan is not part of the proposition to be voted on, and the park
11 plan does not create a contract with the voters.

12 (c) Notice of a bond election for the development and
13 maintenance of recreational facilities must contain the
14 proposition to be voted on, which must include the estimate of the
15 probable cost of design, construction, purchase, acquisition, and
16 maintenance of improvements and additions and incidental expenses
17 connected with the improvements and the issuance of bonds.

18 (d) A bond election for the development and maintenance of
19 recreational facilities may be held on the same day as another
20 district election. The board may call a bond election by a separate
21 election order or as part of another election order. The board may
22 submit multiple purposes in a single proposition at an election.

23 (e) The board may call a bond election for the development
24 and maintenance of recreational facilities as a result of an
25 agreement to annex additional territory into the district.

26 SECTION 7. Subchapter N, Chapter 49, Water Code, is amended
27 by adding Section 49.466 to read as follows:

1 Sec. 49.466. COMMISSION RULES. (a) The commission shall
2 adopt rules regarding the provision and financing of recreational
3 facilities funded through the issuance of bonds that are supported
4 by ad valorem taxes.

5 (b) The commission rules shall:

6 (1) emphasize the primary goal of financing water,
7 sewer, and drainage facilities to serve the district;

8 (2) emphasize and encourage the secondary goal of
9 financing recreational facilities; and

10 (3) encourage the conveyance of land to be used for
11 recreational facilities.

12 SECTION 8. Subsection (b), Section 49.461, Water Code, and
13 Subchapter I, Chapter 54, Water Code, are repealed.

14 SECTION 9. This Act takes effect on the date on which the
15 constitutional amendment proposed by the 78th Legislature, Regular
16 Session, 2003, relating to the provision of parks and recreational
17 facilities by certain conservation and reclamation districts is
18 approved by the voters. If that amendment is not approved by the
19 voters, this Act has no effect.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 624 passed the Senate on April 23, 2003, by a viva-voce vote; and that the Senate concurred in House amendments on May 30, 2003, by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 624 passed the House, with amendments, on May 25, 2003, by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor