

1-1 By: Lindsay S.B. No. 624
1-2 (In the Senate - Filed February 20, 2003; February 26, 2003,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 7, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 1; April 7, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 624 By: Lindsay

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the provision of parks and recreational facilities by
1-11 certain conservation and reclamation districts; authorizing the
1-12 issuance of bonds on voter approval.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subdivision (10), Subsection (a), Section
1-15 49.001, Water Code, is amended to read as follows:

1-16 (10) "District facility" means tangible real and
1-17 personal property of the district, including any plant, equipment,
1-18 means, recreational facility as defined by Section 49.462, or
1-19 instrumentality owned, leased, operated, used, controlled,
1-20 furnished, or supplied for, by, or in connection with the business
1-21 or operations of a district. The term specifically includes a
1-22 reservoir or easement of a district.

1-23 SECTION 2. Subsection (a), Section 49.461, Water Code, is
1-24 amended to read as follows:

1-25 (a) The legislature finds that:

1-26 (1) the provision of parks and recreational facilities
1-27 is necessary and desirable for the health and well-being of the
1-28 people of this state; and

1-29 (2) it is the policy of the state and the purpose of
1-30 this subchapter to encourage persons in districts to provide parks
1-31 and recreational facilities for their use and benefit[+]

1-32 [~~(3) within constitutional limitations, the power to~~
1-33 ~~enact laws vested in the legislature by Section 1, Article III,~~
1-34 ~~Texas Constitution, is supreme,~~

1-35 [~~(4) there is no constitutional inhibition that would~~
1-36 ~~prohibit the legislature from authorizing districts to acquire,~~
1-37 ~~own, develop, construct, improve, manage, operate, and maintain~~
1-38 ~~parks and recreational facilities; and~~

1-39 [~~(5) the general legislative power alone is adequate~~
1-40 ~~to support the enactment of this subchapter without reference to~~
1-41 ~~any specific constitutional authorization].~~

1-42 SECTION 3. Section 49.463, Water Code, is amended to read as
1-43 follows:

1-44 Sec. 49.463. AUTHORIZATION OF RECREATIONAL FACILITIES. In
1-45 addition to the other purposes for which a district is created, a
1-46 district is created for the purpose of financing, developing, and
1-47 maintaining recreational facilities for the people in the district.
1-48 A district may accomplish this purpose as provided in this
1-49 subchapter.

1-50 SECTION 4. Section 49.464, Water Code, is amended by
1-51 amending Subsections (a) and (b) and adding Subsections (d) through
1-52 (g) to read as follows:

1-53 (a) A district may ~~not~~ issue bonds supported by ad valorem
1-54 taxes to pay for the development and maintenance of recreational
1-55 facilities only if the bonds are authorized by a majority vote of
1-56 the qualified voters of the district voting in an election held for
1-57 that purpose. The outstanding principal amount of bonds, notes,
1-58 and other obligations issued to finance parks and recreational
1-59 facilities payable from any source may not exceed an amount equal to
1-60 one percent of the value of the taxable property in the district as
1-61 shown by the tax rolls of the central appraisal district at the time
1-62 of the issuance of the bonds, notes, and other obligations. The
1-63 board may issue bonds payable solely from revenues by resolution or

2-1 by order of the board without an election. A district may not issue
2-2 bonds supported by ad valorem taxes to pay for the development and
2-3 maintenance of indoor or outdoor swimming pools.

2-4 (b) A [Except as provided by Subsection (a), a] district may
2-5 acquire recreational facilities and obtain funds to develop and
2-6 maintain them in the same manner as authorized elsewhere in this
2-7 code for the acquisition, development, and maintenance of other
2-8 district facilities. A district may charge fees directly to the
2-9 users of recreational facilities and to water and wastewater
2-10 customers of the district to pay for all or part of the cost of their
2-11 development and maintenance. To enforce payment of an unpaid fee
2-12 charged under this subsection, the district may:

- 2-13 (1) seek legal restitution of the unpaid fee; and
- 2-14 (2) refuse use of a recreational facility to the
2-15 person who owes the unpaid fee.

2-16 (d) Not later than the 10th day before an election is held to
2-17 authorize the issuance of bonds for the development and maintenance
2-18 of recreational facilities, the board shall file in the district
2-19 office for review by the public a park plan covering the land,
2-20 improvements, facilities, and equipment to be purchased or
2-21 constructed and their estimated cost, together with maps, plats,
2-22 drawings, and data fully showing and explaining the park plan. The
2-23 park plan is not part of the proposition to be voted on and the park
2-24 plan does not create a contract with the voters.

2-25 (e) Notice of a bond election for the development and
2-26 maintenance of recreational facilities must contain the
2-27 proposition to be voted on, which must include the estimate of the
2-28 probable cost of design, construction, purchase, acquisition, and
2-29 maintenance of improvements and additions, and incidental expenses
2-30 connected with the improvements and the issuance of bonds.

2-31 (f) A bond election for the development and maintenance of
2-32 recreational facilities may be held on the same day as another
2-33 district election. The board may call a bond election by a separate
2-34 election order or as part of another election order. The board may
2-35 submit multiple purposes in a single proposition at an election.

2-36 (g) The board may call a bond election for the development
2-37 and maintenance of recreational facilities as a result of an
2-38 agreement to annex additional territory into the district.

2-39 SECTION 5. Subchapter N, Chapter 49, Water Code, is amended
2-40 by adding Section 49.466 to read as follows:

2-41 Sec. 49.466. COMMISSION RULES. (a) The commission shall
2-42 adopt rules regarding the provision and financing of recreational
2-43 facilities funded through the issuance of bonds that are supported
2-44 by ad valorem taxes.

2-45 (b) The commission rules shall:
2-46 (1) emphasize the primary goal of financing water,
2-47 sewer, and drainage facilities to serve the district;

2-48 (2) emphasize and encourage the secondary goal of
2-49 financing recreational facilities; and

2-50 (3) encourage the conveyance of land to be used for
2-51 recreational facilities.

2-52 SECTION 6. Subsection (b), Section 49.461, Water Code, and
2-53 Subchapter I, Chapter 54, Water Code, are repealed.

2-54 SECTION 7. This Act takes effect on the date on which the
2-55 constitutional amendment proposed by the 78th Legislature, Regular
2-56 Session, 2003, relating to the provision of parks and recreational
2-57 facilities by certain conservation and reclamation districts is
2-58 approved by the voters. If that amendment is not approved by the
2-59 voters, this Act has no effect.

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