

BILL ANALYSIS

C.S.H.B. 3397
By: Gallego
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently under the Local Government Code, Chapter 334, municipalities are authorized to derive revenue from sales and taxes to construct, operate, maintain or renovate municipal parks. County parks are not included in this definition. Terrell County is at a disadvantage because there are no nearby towns that are incorporated in the county; therefore they are ineligible to develop a recreation facility or park.

Under C.S.H.B. 3397, a county that has a population of less than 2,000 and that contains no incorporated territory of a municipality would be authorized to develop county parks and recreation systems under the definition of venue projects. C.S.H.B. 3397 also provides that the sale or lease of a public square or municipal park for the acquisition, establishment, development, construction, or renovation of an approved venue project does not have to be submitted to and approved by the voters of the municipality.

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

SECTION 1. Amends Subchapter A, Chapter 334, Local Government Code, by adding Section 334.008, which authorizes a county that has a population of less than 2,000 and that contains no incorporated territory of a municipality to provide for the planning, acquisition, establishment, development, construction, or renovation of a county parks and recreation system as a venue project.

The venue project includes improvements or additions to the county parks and recreation system; and an area or facility that is part of the county parks and recreation system.

Other provisions of Chapter 334, Local Government Code, apply to a venue project authorized by this section.

If at a later date, a part of the county becomes incorporated in a municipality, the county maintains the authority granted under this section.

SECTION 2. Amends Subchapter C, Chapter 334, Local Government Code, by adding Section 334.045, which provides that the sale or lease of a public square or municipal park for the acquisition, establishment, development, construction, or renovation of an approved venue project does not have to be submitted to the voters of the municipality for approval.

SECTION 3. Effective Date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3397 79(R)

The Substitute to H.B. 3397, in Section 1, amends Subchapter A, Chapter 334 of the Local Government Code by adding a new subsection which provides a population bracket to the bill, and authorizes the bracketed county to develop a parks and recreation system as a venue project; including improvements or additions to the county parks and recreations system, and an area or facility that is a part of the county parks and recreations system. C.S.H.B. 3397 also provides that the authority granted to a county that authorizes a venue project is maintained even if a part of the county becomes incorporated in a municipality at a later time. The original bill did not include this provision. The original bill did not provide a population bracket in its amendment of Section 334.001(4), Local Government Code, but added to the meaning of a "venue," a county parks and recreations system. It would have allowed a county to have the same rights as a municipality regarding recreational facility construction, operation, renovation and maintenance.

C.S.H.B. 3397 adds a new Section 2 to the bill which provides that the sale or lease of a public square or municipal park for the acquisition, establishment, development, construction, or renovation of an approved venue project does not have to be submitted to the voters of the municipality for approval. Section 2 of the original bill stated that if the revenue used by a municipality "or county" is not given to all parks or recreational facilities then the municipality "or county" needs to describe what the funds were used for.

Sections 3 and 4 of the original H.B. 3397 which provided that the section of the code regarding financing of a venue project does not apply to county parks or recreation systems, and reenacted and amended Section 334.2515, Local Government Code, as amended by Chapters 660 and 1044, Acts of the 77th Legislature, Regular Session, 2001, to describe that the current exemption rights under this section also apply to counties, are not included in C.S.H.B.

The effective date of the original bill was upon passage, or, November 1, 2003. The effective date for C.S.H.B. 3397 was changed to upon passage, or September 1, 2005.