

By: Casteel

H.B. No. 422

A BILL TO BE ENTITLED

AN ACT

relating to park and recreation districts.

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

SECTION 1. Section 324.046(d), Local Government Code, is amended to read as follows:

(d) The board shall hold its meetings at a public place in a county in which at least part of the district is located.

SECTION 2. Section 324.062(a), Local Government Code, is amended to read as follows:

(a) The board may employ managers, secretaries, stenographers, bookkeepers, accountants, technical experts, and any other support personnel or agents the board considers necessary [~~permanent or temporary agents and employees it requires~~].

SECTION 3. Section 324.064(b), Local Government Code, is amended to read as follows:

(b) If the contract is for an amount [~~\$15,000 or~~] less than or equal to the amount in Section 262.023, the board may enter into the contract without advertisement. If the contract is for more than that amount [~~\$15,000~~], the contract is subject to the bidding provisions for contracts applicable to the county.

SECTION 4. Section 324.095(a), Local Government Code, is amended to read as follows:

(a) Through revenue bonds or any other revenue sources, the district may not purchase a river access location except for use as

1 a:

- 2 (1) sanitary facility;
- 3 (2) litter receptacle;
- 4 (3) drinking water facility;
- 5 (4) parking lot;
- 6 (5) road or trail;
- 7 (6) river ingress or egress facility;
- 8 (7) information booth; [~~or~~]
- 9 (8) tax collection facility;
- 10 (9) visitor's center; or
- 11 (10) district office.

12 SECTION 5. Section 324.099(b), Local Government Code, is  
13 amended to read as follows:

14 (b) The taxes that a district may levy apply only within the  
15 district and are:

16 (1) a tax, at a rate not greater than five percent  
17 established by resolution of the board, imposed on each person who,  
18 under a lease, concession, permit, right of access, license,  
19 contract, or agreement, pays \$1 or more:

- 20 (A) for each day to rent:
    - 21 (i) a camping space;
    - 22 (ii) a picnic space;
    - 23 (iii) a parking space;
    - 24 (iv) a boat slip or dry boat storage;
    - 25 (v) fishing tackle; or
    - 26 (vi) water-oriented recreational equipment
- 27 intended for use on a lake in the district, including a boat,

1 personal watercraft, windsurfer, or sailing craft;

2 (B) for each day of recreational guide services;

3 or

4 (C) for an initiation or membership fee of a  
5 private club or organization that provides water-oriented  
6 recreational equipment for use to a member;

7 (2) a tax imposed by resolution of the board at a rate  
8 not greater than four percent on the cost of occupancy of a hotel if  
9 the cost of occupancy is \$2 or more each day; a tax is not imposed if  
10 the accommodations are leased or contracted to one party for at  
11 least 30 consecutive days; and

12 (3) a tax imposed by resolution of the board at a rate  
13 not greater than \$1 a person:

14 (A) for each rental of water-oriented  
15 recreational equipment, including a canoe, tube, raft, boat, or  
16 kayak intended for use on a river in the district; or

17 (B) if the person is not renting equipment under  
18 Paragraph (A), for each person using shuttle service in the  
19 district, including for river ingress and egress.

20 SECTION 6. Section 324.100, Local Government Code, is  
21 amended to read as follows:

22 Sec. 324.100. DISPOSITION OF REVENUE. In addition to any  
23 other purpose or obligation of a district, a district may use its  
24 tax revenue and other revenue for:

25 (1) acquisition of a right-of-way that leads to or is  
26 in the district;

27 (2) construction, improvement, or maintenance of a

1 road that leads to or is in the district;

2 (3) provision of law enforcement, emergency medical  
3 services, or fire protection in the district;

4 (4) programs to improve the water quality and sanitary  
5 conditions in the district;

6 (5) other programs that promote water-oriented  
7 recreation in the district;

8 (6) contribution to the county's general fund in the  
9 event that the board finds it has excess revenues;

10 (7) payment of indebtedness for bonds issued under  
11 Sections 324.091 and 324.092;

12 (8) acquiring insurance for the district;

13 (9) hiring necessary personnel as provided by Section  
14 324.062;

15 (10) construction of facilities to house district  
16 personnel and equipment;

17 (11) leasing of property as necessary to benefit the  
18 district; and

19 (12) [~~10~~] any other lawful purpose for the benefit  
20 of the district.

21 SECTION 7. (a) The change in law made by this Act to a park  
22 and recreation district's authority to enter into a contract  
23 applies only to a contract entered into on or after the effective  
24 date of this Act. A contract entered into before the effective date  
25 of this Act is covered by the law as it existed at the time the  
26 contract was entered into, and that law is continued in effect for  
27 that purpose.

1           (b) The change in law made by this Act does not affect taxes  
2 imposed before the effective date of this Act, and the law in effect  
3 before the effective date of this Act is continued in effect for  
4 purposes of the liability for and collection of those taxes.

5           SECTION 8. This Act takes effect September 1, 2005.