

1-1 By: Casteel (Senate Sponsor - Wentworth) H.B. No. 422
1-2 (In the Senate - Received from the House April 18, 2005;
1-3 April 19, 2005, read first time and referred to Committee on
1-4 Natural Resources; May 13, 2005, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to park and recreation districts.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 324.046(d), Local Government Code, is
1-11 amended to read as follows:

1-12 (d) The board shall hold its meetings at a public place in a
1-13 county in which at least part of the district is located.

1-14 SECTION 2. Section 324.062(a), Local Government Code, is
1-15 amended to read as follows:

1-16 (a) The board may employ managers, secretaries,
1-17 stenographers, bookkeepers, accountants, technical experts, and
1-18 any other support personnel or agents the board considers necessary
1-19 [permanent or temporary agents and employees it requires].

1-20 SECTION 3. Section 324.064(b), Local Government Code, is
1-21 amended to read as follows:

1-22 (b) If the contract is for an amount [~~\$15,000 or~~] less than
1-23 or equal to the amount in Section 262.023, the board may enter into
1-24 the contract without advertisement. If the contract is for more
1-25 than that amount [~~\$15,000~~], the contract is subject to the bidding
1-26 provisions for contracts applicable to the county.

1-27 SECTION 4. Section 324.095(a), Local Government Code, is
1-28 amended to read as follows:

1-29 (a) Through revenue bonds or any other revenue sources, the
1-30 district may not purchase a river access location except for use as
1-31 a:

- 1-32 (1) sanitary facility;
- 1-33 (2) litter receptacle;
- 1-34 (3) drinking water facility;
- 1-35 (4) parking lot;
- 1-36 (5) road or trail;
- 1-37 (6) river ingress or egress facility;
- 1-38 (7) information booth; [~~or~~]
- 1-39 (8) tax collection facility;
- 1-40 (9) visitor's center; or
- 1-41 (10) district office.

1-42 SECTION 5. Section 324.099(b), Local Government Code, is
1-43 amended to read as follows:

1-44 (b) The taxes that a district may levy apply only within the
1-45 district and are:

1-46 (1) a tax, at a rate not greater than five percent
1-47 established by resolution of the board, imposed on each person who,
1-48 under a lease, concession, permit, right of access, license,
1-49 contract, or agreement, pays \$1 or more:

- 1-50 (A) for each day to rent:
 - 1-51 (i) a camping space;
 - 1-52 (ii) a picnic space;
 - 1-53 (iii) a parking space;
 - 1-54 (iv) a boat slip or dry boat storage;
 - 1-55 (v) fishing tackle; or
 - 1-56 (vi) water-oriented recreational equipment
1-57 intended for use on a lake in the district, including a boat,
1-58 personal watercraft, windsurfer, or sailing craft;

1-59 (B) for each day of recreational guide services;
1-60 or

1-61 (C) for an initiation or membership fee of a
1-62 private club or organization that provides water-oriented
1-63 recreational equipment for use to a member;

1-64 (2) a tax imposed by resolution of the board at a rate

2-1 not greater than four percent on the cost of occupancy of a hotel if
2-2 the cost of occupancy is \$2 or more each day; a tax is not imposed if
2-3 the accommodations are leased or contracted to one party for at
2-4 least 30 consecutive days; and

2-5 (3) a tax imposed by resolution of the board at a rate
2-6 not greater than \$1 a person:

2-7 (A) for each rental of water-oriented
2-8 recreational equipment, including a canoe, tube, raft, boat, or
2-9 kayak intended for use on a river in the district; or

2-10 (B) if the person is not renting equipment under
2-11 Paragraph (A), for each person using shuttle service in the
2-12 district, including for river ingress and egress.

2-13 SECTION 6. Section 324.100, Local Government Code, is
2-14 amended to read as follows:

2-15 Sec. 324.100. DISPOSITION OF REVENUE. In addition to any
2-16 other purpose or obligation of a district, a district may use its
2-17 tax revenue and other revenue for:

2-18 (1) acquisition of a right-of-way that leads to or is
2-19 in the district;

2-20 (2) construction, improvement, or maintenance of a
2-21 road that leads to or is in the district;

2-22 (3) provision of law enforcement, emergency medical
2-23 services, or fire protection in the district;

2-24 (4) programs to improve the water quality and sanitary
2-25 conditions in the district;

2-26 (5) other programs that promote water-oriented
2-27 recreation in the district;

2-28 (6) contribution to the county's general fund in the
2-29 event that the board finds it has excess revenues;

2-30 (7) payment of indebtedness for bonds issued under
2-31 Sections 324.091 and 324.092;

2-32 (8) acquiring insurance for the district;

2-33 (9) hiring necessary personnel as provided by Section
2-34 324.062;

2-35 (10) construction of facilities to house district
2-36 personnel and equipment;

2-37 (11) leasing of property as necessary to benefit the
2-38 district; and

2-39 (12) [~~(10)~~] any other lawful purpose for the benefit
2-40 of the district.

2-41 SECTION 7. (a) The change in law made by this Act to a park
2-42 and recreation district's authority to enter into a contract
2-43 applies only to a contract entered into on or after the effective
2-44 date of this Act. A contract entered into before the effective date
2-45 of this Act is covered by the law as it existed at the time the
2-46 contract was entered into, and that law is continued in effect for
2-47 that purpose.

2-48 (b) The change in law made by this Act does not affect taxes
2-49 imposed before the effective date of this Act, and the law in effect
2-50 before the effective date of this Act is continued in effect for
2-51 purposes of the liability for and collection of those taxes.

2-52 SECTION 8. This Act takes effect September 1, 2005.

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