

By: Zaffirini

S.B. No. 46

A BILL TO BE ENTITLED

AN ACT

relating to the creation and operation of a park and recreation district in a county with frontage on the San Marcos River and to the authority of the district to collect fees; providing penalties.

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

SECTION 1. Subtitle B, Title 10, Local Government Code, is amended by adding Chapter 324A to read as follows:

CHAPTER 324A. PARK AND RECREATION DISTRICTS IN COUNTIES WITH
FRONTAGE ON SAN MARCOS RIVER

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 324A.001. ELIGIBLE COUNTIES. In a county that has river frontage on the San Marcos River and a population of more than 35,000 but not more than 100,000, a district may be created for all or part of the unincorporated area in the county to:

(1) improve, equip, maintain, finance, and operate any public park located in the district and owned or leased by the county;

(2) construct, improve, and maintain transportation infrastructure projects to provide public access to and in the district;

(3) conserve the natural resources in the district;
and

(4) improve the public health, safety, and welfare in the district.

1 Sec. 324A.002. DEFINITIONS. In this chapter:

2 (1) "Board" means the board of directors of a park and
3 recreation district.

4 (2) "District" means a park and recreation district
5 created under this chapter.

6 (3) "District facility" includes any facility, land,
7 or improvement to land, whether permanent or temporary, that is
8 owned, leased, or acquired by the district.

9 (4) "Fee" includes a toll or any other charge.

10 (5) "Recreational vehicle" has the meaning assigned by
11 Section 522.004(b), Transportation Code.

12 (6) "Recreational vehicle park" means property on
13 which utility service connections are made for recreational vehicle
14 transient guest use and for which fees are paid at intervals of one
15 day or longer.

16 SUBCHAPTER B. CREATION OF PARK AND RECREATION DISTRICT

17 Sec. 324A.021. ORDER OF ELECTION. (a) The commissioners
18 court of the county may order an election on the issue of the
19 creation of a district:

20 (1) on the commissioners court's own motion; or

21 (2) after the filing of a written petition signed by a
22 number of the registered voters who reside in the county equal to at
23 least five percent of the votes received in the county in the most
24 recent gubernatorial general election.

25 (b) The petition or commissioners court's motion must
26 include:

27 (1) the name of the proposed district;

1 (2) an accurate description of the area to be included
2 in the district by metes and bounds and by public roads or
3 rights-of-way; and

4 (3) an accurate plat of the area to be included in the
5 district.

6 Sec. 324A.022. NOTICE OF HEARING. (a) After the filing of
7 the petition, the commissioners court shall set a date for a hearing
8 on the petition that is after the 20th day but on or before the 40th
9 day after the date the petition is filed.

10 (b) The commissioners court shall publish notice of the
11 petition and the hearing date in a newspaper of general circulation
12 in the county.

13 (c) The notice must be published once each week for a period
14 of two weeks before the hearing date.

15 Sec. 324A.023. HEARING. (a) At the hearing, evidence
16 shall be taken as in civil cases in the county court. The
17 commissioners court shall hear all arguments for and against the
18 creation of the district.

19 (b) The hearing may be adjourned from time to time on good
20 cause shown.

21 (c) The commissioners court shall grant the petition and
22 order the election on the issue of the creation of the district if
23 the court finds that:

24 (1) the petition is signed by the required number of
25 registered voters in the county;

26 (2) the district will serve the purposes prescribed by
27 Section 324A.001; and

1 (3) the district does not include any incorporated
2 area.

3 Sec. 324A.024. CREATION ELECTION. (a) The election shall
4 be held on the date of the first regularly scheduled countywide
5 election that follows the date of the order of the election and for
6 which there is sufficient time to comply with other requirements of
7 law.

8 (b) The returns on the election shall be certified and the
9 results declared in the same manner as provided for other county
10 elections. If a majority of the votes received on the issue favor
11 creation of the district, the commissioners court shall declare the
12 district created and shall enter the results in the commissioners
13 court's minutes at the commissioners court's next regularly
14 scheduled meeting.

15 Sec. 324A.025. COSTS OF CREATION AND ORGANIZATION. The
16 costs necessarily incurred in the creation and organization of the
17 district may be paid from the district's revenue from any source.

18 SUBCHAPTER C. BOARD OF DIRECTORS OF PARK AND RECREATION DISTRICT

19 Sec. 324A.041. COMPOSITION AND APPOINTMENT OF BOARD.

20 (a) A district is governed by a board composed of seven members.

21 (b) The commissioners court shall appoint the members of the
22 board.

23 (c) A board member must be a citizen of the United States and
24 must reside in the county. Four of the board members must reside,
25 own property, or own a business in the district. One board member
26 must live outside the district.

27 (d) A board member may not be an officer or employee of the

1 county in which the district is created or of a municipality in that
2 county.

3 (e) Three members of the initial board serve one-year terms
4 and four members serve two-year terms. The members shall draw lots
5 to determine who serves the one-year terms. Thereafter, each
6 director is appointed for a term of two years from the date of the
7 director's appointment.

8 (f) If a vacancy occurs on the board, the commissioners
9 court shall appoint a person to fill the vacancy for the unexpired
10 term.

11 (g) The commissioners court shall file a certificate of the
12 appointment of each board member with the county clerk. The
13 certificate is conclusive evidence of the proper appointment of the
14 board member.

15 (h) A board member may not serve more than four consecutive
16 full terms.

17 Sec. 324A.042. OATH AND BOND. (a) Not later than the 30th
18 day after the date a board member is appointed, the member must
19 qualify by taking the official oath and by filing a good and
20 sufficient bond with the county clerk.

21 (b) The bond must be:

22 (1) payable to the order of the commissioners court;

23 (2) payable in an amount prescribed by the
24 commissioners court of \$5,000 or more; and

25 (3) conditioned that the board member will faithfully
26 perform the duties of a board member, including the proper handling
27 of all money that comes into the board member's hands in the board

1 member's official capacity.

2 Sec. 324A.043. COMPENSATION AND REIMBURSEMENT. A board
3 member is not entitled to compensation but is entitled to
4 reimbursement for necessary expenses, including travel expenses,
5 incurred in performing the duties of a board member. A board
6 member's reimbursement for necessary expenses in excess of \$250
7 must be approved by the commissioners court. A board member's
8 approved expense account shall be paid in due time by the board's
9 check or warrant.

10 Sec. 324A.044. QUORUM; MAJORITY VOTE. Four board members
11 constitute a quorum of the board. The board may act on the majority
12 of the vote of the assembled quorum.

13 Sec. 324A.045. APPROVAL OF COMMISSIONERS COURT. (a) The
14 board is subject to the supervision of the commissioners court in
15 the exercise of all the board's rights, powers, and privileges and
16 in the performance of the board's duties.

17 (b) Not later than the 30th day after the date the board
18 acts, the commissioners court may approve or disapprove the board's
19 action. If the court disapproves the act, the act is ineffective.
20 Otherwise, the act becomes effective on the earlier of the date the
21 commissioners court approves the act or the 31st day after the date
22 the board acted.

23 Sec. 324A.046. ORGANIZATION; MEETINGS. (a) Annually, the
24 board shall elect a president, a vice president, a secretary, and a
25 treasurer, except that the first president shall be designated by
26 the commissioners court at the time of the appointment of the first
27 board.

1 (b) The offices of secretary and treasurer may be held by
2 the same person. If either the secretary or the treasurer is absent
3 or unavailable, the president may appoint another board member to
4 act for and perform the duties of the absent or unavailable officer.

5 (c) The board shall set times for and hold regular meetings.
6 On the request of two or more board members, the board may hold a
7 special meeting at other times as necessary.

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

10 SUBCHAPTER D. POWERS AND DUTIES

11 Sec. 324A.061. DEPOSITORIES AND DISBURSEMENTS. (a) Money
12 and other funds belonging to or under control of the board are
13 public funds.

14 (b) The board shall select depositories for the money.

15 (c) A warrant or check for the withdrawal of money must be
16 signed by two persons authorized to sign a warrant or check by
17 resolution entered in the board's minutes.

18 Sec. 324A.062. PERSONNEL. (a) The board may employ a
19 manager, secretary, stenographer, bookkeeper, accountant, and
20 technical expert and any other support personnel or agent the board
21 considers necessary.

22 (b) The board shall determine the qualifications and set the
23 duties of employees.

24 (c) The board may call on the county attorney, district
25 attorney, or criminal district attorney for the legal services the
26 board requires. The board may contract for and compensate the
27 board's own legal staff.

1 Sec. 324A.063. SEAL. The board shall adopt a seal to place
2 on each lease, deed, or other instrument usually executed under
3 seal and on other instruments as the board requires.

4 Sec. 324A.064. CONTRACTS. (a) The board may enter into
5 any contract that the board considers necessary or convenient to
6 carry out the purposes and powers granted by this chapter,
7 including a lease or other contract connected with, incident to, or
8 affecting the acquisition, financing, construction, equipment,
9 maintenance, renovation, repair, improvement, or operation of real
10 property or facilities.

11 (b) If the contract is for an amount less than or equal to
12 the amount prescribed by Section 262.023, the board may enter into
13 the contract without advertisement. If the contract is for more
14 than that amount, the contract is subject to the bidding provisions
15 applicable to county contracts.

16 (c) To be effective, a contract must be:

17 (1) approved by board resolution;

18 (2) executed by the president or vice president; and

19 (3) attested by the secretary or treasurer.

20 Sec. 324A.065. SUITS. The board may sue and be sued in the
21 board's own name.

22 Sec. 324A.066. DISTRICT RULES AND ORDINANCES; CRIMINAL
23 PENALTY; CIVIL ENFORCEMENT. (a) The board may adopt reasonable
24 rules and ordinances applicable to:

25 (1) the administration, enforcement, and collection
26 of district fees and the issuance, suspension, and cancellation of
27 revenue permits;

1 (2) littering and litter abatement on public water in
2 the district, including the possession and disposition of plastic
3 containers of not more than two ounces and glass containers;

4 (3) activities that endanger the health and safety of
5 persons or property on public water in the district, subject to the
6 public's paramount right to navigate inland water; and

7 (4) tenants, business privileges, concessionaires,
8 users, and activities affecting district property and facilities,
9 including hunting, fishing, boating, camping, tubing, swimming,
10 and conservation of natural resources.

11 (b) The board may not prohibit the possession of 12-ounce
12 aluminum cans.

13 (c) A police officer, constable, sheriff, or other law
14 enforcement officer with jurisdiction in the county may arrest
15 persons violating board rules or ordinances and carry out the
16 prosecution of those persons in the proper court.

17 (d) A person who violates a rule or ordinance adopted under
18 this section commits an offense. An offense under this subsection
19 is a Class C misdemeanor punishable by:

20 (1) a fine not to exceed \$500 for a violation of a rule
21 or ordinance not described by Subsection (a)(2); and

22 (2) a fine not to exceed \$1,000 for a violation of a
23 rule or ordinance described by Subsection (a)(2).

24 (e) The county attorney, the district attorney, the
25 criminal district attorney, or an attorney retained by the board
26 for this purpose may bring an action to enjoin a violation of board
27 rules or ordinances and, if the board authorizes, may seek damages

1 and attorney's fees based on the violation, if the violation
2 involves:

3 (1) the providing or offering of a service or the use
4 or rental of a facility or an item for remuneration by a person who
5 does not hold a revenue permit issued by the district or for which
6 collection of a fee is required;

7 (2) the failure of a revenue permit holder to remit a
8 fee imposed if the fee has been due for more than 60 days; or

9 (3) the violation by a revenue permit holder of a
10 district rule or ordinance relating to an activity that endangers
11 the health or safety of a person or property in the district.

12 Sec. 324A.067. BOND. If the board brings an action to
13 enforce this subchapter or enjoin a violation of a rule or ordinance
14 adopted by the board under this subchapter, the board is not
15 required to post a bond.

16 Sec. 324A.068. POWER TO ACQUIRE PROPERTY. (a) For the
17 conservation of the natural resources of the county, the board may
18 acquire land in the county, in or outside the district, including a
19 stream, a lake, submerged land, and swampland, to create parks. The
20 board may develop, improve, protect, and promote the land in a
21 manner the board considers conducive to the general welfare.

22 (b) The land may be acquired by:

23 (1) gift or devise;

24 (2) lump-sum payment; or

25 (3) installment payments with or without option to
26 purchase.

27 (c) The district does not have the power of eminent domain.

1 (d) The commissioners court by eminent domain may not
2 acquire land for park purposes after August 31, 2013, and
3 subsequently transfer by any means the land or control of the land
4 to the board for park purposes or other purposes. If the
5 commissioners court by eminent domain acquires land for purposes
6 other than park purposes after August 31, 2013, the court may not
7 transfer by any means the land or control of the land to the board
8 for park purposes or other purposes before the 10th anniversary of
9 the date the court acquired the land.

10 Sec. 324A.069. SALE OR LEASE OF LANDS. (a) If the board
11 determines that any land owned by the district is not necessary for
12 the purposes for which the land was acquired, the board may sell and
13 dispose of the land on terms the board considers advisable.

14 (b) The board may lease or permit the use of land for
15 purposes consistent with the purposes for which the land was
16 acquired and on terms the board considers advisable.

17 (c) Before land owned by the district may be sold, once a
18 week for four consecutive weeks in a newspaper of general
19 circulation in the county, the board must publish a notice of the
20 board's intention to sell the land. The notice must include an
21 accurate description of the land, the time of a public hearing that
22 is not later than the 10th day before the disposition date, and the
23 time and place at which sealed bids will be received.

24 Sec. 324A.070. GRANTS AND GRATUITIES. To promote,
25 establish, or accomplish a purpose of this chapter, the board may:

26 (1) accept grants and gratuities in any form from any
27 source, including the United States government, this state, any

1 state or federal agency, any private or public corporation, or any
2 other person;

3 (2) accept donations of money or other property; and

4 (3) act as trustee of land, money, or other property.

5 Sec. 324A.071. PARKLAND CONTROLLED BY OTHER PUBLIC
6 AUTHORITIES. Under an agreement with a public authority in control
7 of parkland in the county, the district may assume control of all or
8 part of the parkland in the district or contiguous to the district
9 or may contract or cooperate with the public authority in
10 connection with the use, development, improvement, and protection
11 of the parkland.

12 Sec. 324A.072. PUBLIC ROAD OR HIGHWAY AGREEMENTS. (a) The
13 board may enter into an agreement with a public authority in control
14 of a highway in a park area or connecting two or more park areas to
15 make alterations in the route or width of the highway or to grade,
16 drain, pave, or otherwise improve the highway.

17 (b) The board may enter into an agreement with the county to
18 cooperate with the county to construct, improve, or maintain a
19 public road or highway in the county.

20 Sec. 324A.073. PLAN FOR DEVELOPMENT OF PARKS; ANNUAL
21 BUDGET; FILING. (a) The board shall develop and approve a
22 three-year master plan for capital development and the development
23 of parks and district facilities.

24 (b) The board shall annually review and revise the master
25 plan during the budget process and shall file a copy of the master
26 plan and revisions with the county clerk.

27 (c) The board shall annually develop and approve a one-year

1 budget that must include the suggested revisions and additions to
2 the master plan.

3 (d) The board shall submit the annual budget to the
4 commissioners court for approval and shall file a copy with the
5 county clerk.

6 Sec. 324A.074. PERMANENT IMPROVEMENTS ON LAND WITH RIVER
7 FRONTAGE. (a) The district may not purchase a river access
8 location except for use as:

- 9 (1) a sanitary facility;
- 10 (2) a litter receptacle;
- 11 (3) a drinking water facility;
- 12 (4) a parking lot;
- 13 (5) a road or trail;
- 14 (6) a river ingress or egress facility;
- 15 (7) an information booth;
- 16 (8) a fee collection facility;
- 17 (9) a visitor's center; or
- 18 (10) a district office.

19 (b) At a river access location permitted under this section,
20 the district may not engage in any activity that competes with
21 private enterprise except for the provision and operation of a
22 permanent improvement permitted under this section.

23 (c) Subject to the restrictions provided by Section
24 324A.068(d), the district may accept as a grant, gratuity, gift, or
25 devise land with river access and any improvement that may exist on
26 the land at the time of the gift.

27 SUBCHAPTER E. FEES AND FINANCIAL PROVISIONS

1 Sec. 324A.091. NO AD VALOREM TAXES OR BONDS. The district
2 may not impose an ad valorem tax or issue a bond.

3 Sec. 324A.092. FEES FOR USE OF DISTRICT FACILITY. (a) The
4 board may charge or require the payment of a fee for the use of a
5 district facility except a drinking water or sanitary facility.

6 (b) A fee assessed under this section must be equal and
7 uniform within classes defined by the board.

8 (c) Except as provided by a contract entered into by the
9 board, the board may determine the rate of fees charged for the use,
10 operation, or lease of district facilities, services, or equipment.
11 The fees must be in amounts that will produce revenue at least
12 sufficient to pay the expenses of operating and maintaining
13 district facilities.

14 Sec. 324A.093. FINANCIAL STATEMENT; BUDGET. (a) On or
15 before February 1 of each year, the board shall prepare and file
16 with the officer responsible for the county budget a complete
17 financial statement showing the financial status of the district
18 and the district's properties, funds, and indebtedness.

19 (b) The financial statement must be prepared in accordance
20 with standards adopted by the Governmental Accounting Standards
21 Board and must show separately all information concerning:

22 (1) leases, promissory notes, and other indebtedness
23 of the district; and

24 (2) fee revenue of the district.

25 (c) At the time the financial statement is filed, the board
26 shall file with the commissioners court a proposed budget of the
27 board's needs for the next fiscal year. The proposed budget shall

1 include items that:

2 (1) the board is unable to finance from the district's
3 revenues; and

4 (2) the board requests purchase of with county funds.

5 (d) The officer responsible for the county budget shall
6 include the district's proposed budget on the calendar for the next
7 regularly scheduled meeting of the commissioners court. As part of
8 the county's tentative budget, the items certified by the board are
9 subject to state law relating to county budgets.

10 (e) The county auditor may conduct a general audit and issue
11 a financial statement of the district at times the auditor
12 considers appropriate.

13 (f) The board shall operate the parks and facilities under
14 the board's control in a manner that will produce revenue at least
15 sufficient to pay the expenses of operating and maintaining the
16 district's parks and facilities without seeking from the
17 commissioners court the appropriation of additional money for those
18 expenses.

19 Sec. 324A.094. IMPOSITION AND COLLECTION OF FEES; CRIMINAL
20 PENALTY. (a) The district may collect fees and issue revenue
21 permits within the district to carry out any purposes prescribed by
22 this chapter and to pay the obligations of the district.

23 (b) The district may collect only the following fees:

24 (1) a fee, at a rate not greater than five percent
25 established by board resolution, imposed on each person who, under
26 a lease, concession, permit, right of access, license, contract, or
27 agreement, pays \$1 or more:

1 (A) for each day to rent a camping space, picnic
2 space, or parking space, if the space is not part of a recreational
3 vehicle park;

4 (B) for each day to rent a boat slip, dry boat
5 storage, or fishing tackle;

6 (C) for each day of recreational guide services;
7 or

8 (D) for an initiation or membership fee of a
9 private club or organization that provides water-oriented
10 recreational equipment for use to a member; and

11 (2) a fee imposed by board resolution at a rate not
12 greater than \$1 a person:

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

16 (B) if the person does not rent equipment
17 described by Paragraph (A), for each person using shuttle service
18 in the district, including for river ingress and egress.

19 (c) A fee imposed under this section is payable by the
20 purchaser or consumer of the item subject to the fee, except that,
21 if the person responsible for collecting the fee does not comply
22 with this chapter by collecting and remitting the fee to the
23 district, the person responsible for collecting the fee is liable
24 for the fee.

25 (d) A person who does not hold a revenue permit issued by the
26 board may not provide or offer for remuneration a service, a use of
27 a facility, or a rental of an item if the price paid for the service,

1 use, or rental is subject to a fee under this section. A person who
2 holds a revenue permit issued by the district shall collect the fees
3 imposed under this section and shall report and remit the collected
4 fees to the district as the district requires.

5 (e) If a revenue permit holder remits fees after the due
6 date but on or before the 30th day after the due date, the revenue
7 permit holder shall pay the district a penalty of five percent of
8 the amount of fees due. If the revenue permit holder remits the
9 fees after the 30th day after the due date, the revenue permit
10 holder shall pay the district a penalty of 10 percent of the amount
11 of fees due.

12 (f) Delinquent fees and accrued penalties draw interest at
13 the rate of 10 percent a year beginning on the 60th day after the
14 date the fees were due.

15 (g) If a revenue permit holder does not collect and remit a
16 fee imposed, the board may suspend, revoke, or cancel the holder's
17 revenue permit and pursue any other remedy the district may have to
18 collect the fee under civil or criminal law.

19 (h) A person who violates Subsection (d) commits an offense
20 if the person rents or offers for rent an item subject to a fee under
21 this section. Each provision or offer for remuneration of the
22 service, use, or rental is a separate offense. An offense under
23 this subsection is a Class C misdemeanor unless it is shown at the
24 trial of the defendant that the defendant has previously been
25 convicted of an offense under this subsection, in which case the
26 offense is a Class B misdemeanor.

27 (i) In the same manner that this section applies to a person

1 who provides or offers a service, a use of a facility, or a rental of
2 an item in the district, this section applies to a person who
3 resides or does business outside the district but:

4 (1) provides or offers recreational guide or shuttle
5 services or the rental of water-oriented recreational equipment in
6 the district; and

7 (2) regularly transports customers into or out of the
8 district for river or parking access.

9 (j) The board may settle a claim for a penalty or interest
10 accrued on a fee imposed by this chapter if the board finds that the
11 revenue permit holder exercised reasonable diligence to comply with
12 this chapter.

13 (k) The district may impose different fee rates for
14 different types of services or rental items described by Subsection
15 (b)(2). A fee rate may not exceed the maximum rate provided by that
16 subdivision.

17 Sec. 324A.095. FEE EXEMPTION. The district may not collect
18 a fee on a transaction between a person and an interest operated by:

19 (1) the United States in the district; or

20 (2) a state park in the district.

21 Sec. 324A.096. DISPOSITION OF REVENUE. In addition to any
22 other purpose or obligation of a district, a district may use
23 district fee revenue and other revenue for:

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

26 (2) construction, improvement, or maintenance of a
27 road or highway that leads to or is in the district and mitigation

1 of adverse environmental effects that result directly from the
2 construction, improvement, or maintenance of the road or highway;

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

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

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

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

11 (7) acquiring insurance for the district;

12 (8) hiring necessary personnel as provided by Section
13 324A.062;

14 (9) the construction of facilities to house district
15 personnel and equipment;

16 (10) the leasing of property as necessary to benefit
17 the district; and

18 (11) any other lawful purpose for the benefit of the
19 district.

20 Sec. 324A.097. REPLACEMENT FUND. (a) The board may
21 establish a replacement fund. The board may deposit in the fund any
22 amounts from board revenue that the board considers appropriate.

23 (b) The replacement fund may be used to rebuild, restore,
24 repair, or improve district property that is destroyed or injured
25 or as necessary to expand, improve, demolish, repair, or replace
26 district property because of unfitness.

27 (c) The board may invest the replacement fund in bonds of

1 the United States, this state, or a county, municipal corporation,
2 or school district of this state.

3 SUBCHAPTER F. ANNEXATION; INCORPORATION; DISSOLUTION

4 Sec. 324A.121. ANNEXATION. (a) The voters of an
5 unincorporated area that is contiguous to a district may file a
6 petition with the board to annex the area to the district.

7 (b) The petition must contain an accurate description of the
8 area proposed for annexation, accompanied by an accurate map or
9 plat of the area.

10 (c) The petition must be signed by at least one percent of
11 the registered voters in the area proposed for annexation.

12 (d) If the board considers the proposed annexation
13 desirable, the board shall file the petition with the commissioners
14 court with a statement of the reasons the board favors the
15 annexation.

16 (e) The commissioners court shall give notice of a hearing
17 on the petition and hold a hearing in the manner prescribed by
18 Sections 324A.022 and 324A.023 for a petition for creation of a
19 district.

20 (f) The commissioners court may grant the petition if the
21 commissioners court finds the petition meets the requirements of
22 this section and the annexation promotes the purposes for which the
23 district was created.

24 Sec. 324A.122. EFFECT OF INCORPORATION OR ANNEXATION. The
25 incorporation of a political subdivision or the annexation of any
26 part of a park and recreation district by a political subdivision
27 does not affect the district's boundaries.

1 Sec. 324A.123. DISANNEXATION. (a) The voters of or county
2 commissioners for any area in a district may file a petition with
3 the board to disannex the area from the district.

4 (b) The petition must contain an accurate description of the
5 area proposed for disannexation, accompanied by an accurate map or
6 plat of the area.

7 (c) The petition must be signed by at least one percent of
8 the registered voters in the area proposed for disannexation or by
9 each county commissioner for the area proposed for disannexation.

10 (d) The board shall file the petition with the commissioners
11 court if:

12 (1) the district has not acquired or constructed a
13 permanent improvement or facility in the area proposed for
14 disannexation; and

15 (2) the district's projected revenue from all sources,
16 except from the area proposed for disannexation, is sufficient to
17 pay the district's outstanding debts.

18 (e) The commissioners court shall give notice of a hearing
19 on the petition and hold a hearing in the manner prescribed by
20 Sections 324A.022 and 324A.023 for a petition for creation of a
21 district.

22 (f) The commissioners court by order may grant the petition
23 if the commissioners court finds that:

24 (1) the petition meets the requirements of this
25 section;

26 (2) the conditions listed in Subsection (d) exist; and

27 (3) the disannexation is in the county's best

1 interests.

2 (g) The disannexation takes effect on the date stated by the
3 order or, if the order does not state a date, on the date the order
4 is issued.

5 Sec. 324A.124. DISSOLUTION OF DISTRICT. (a) The
6 commissioners court by order may dissolve a district. The order may
7 be adopted:

8 (1) on the commissioners court's own motion; or

9 (2) after the filing of a written petition signed by a
10 number of the registered voters who reside in the district equal to
11 at least 10 percent of the votes received in the district in the
12 most recent gubernatorial general election.

13 (b) The commissioners court shall give notice of a hearing
14 on the petition and hold a hearing in the manner prescribed by
15 Sections 324A.022 and 324A.023 for a petition for creation of a
16 district.

17 (c) The commissioners court shall grant the petition and
18 order the dissolution of the district if the court finds that the
19 petition meets the requirements of this section and that the
20 dissolution is in the county's best interests.

21 (d) On dissolution of the district, the county assumes the
22 district's property and other assets, debts and other liabilities,
23 and obligations.

24 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

25 Sec. 324A.901. REQUIREMENTS FOR RENTAL OF WATER-ORIENTED
26 RECREATIONAL EQUIPMENT. (a) This section applies only to the
27 rental of water-oriented recreational equipment in a district.

1 (b) A person may rent water-oriented recreational equipment
2 only if each person who will use the equipment is listed on a
3 written agreement for the rental of that equipment.

4 SECTION 2. This Act takes effect October 1, 2013.