

BILL ANALYSIS

S.B. 280
By: Zaffirini
Special Purpose Districts
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Thousands of visitors go tubing on and otherwise use the San Marcos River each year. The number of visitors to the river, especially for tubing, has increased substantially in recent years as cities and local entities with authority over neighboring rivers have enacted laws that prohibit certain types of behavior, such as bringing disposable containers, on those neighboring rivers. Interested parties contend that the increased activity is causing issues for residents of communities near the San Marcos River, such as Caldwell and Guadalupe Counties and the City of Martindale. Landowners along the river are reporting problems with littering, trespassing, and public intoxication. In addition, the increased traffic, littering, and safety issues impact the local roadways. The parties assert that these problems are left unaddressed because the counties do not have adequate funding to enforce existing laws and protect public safety and do not have the authority to regulate activity on the river. S.B. 280 seeks to address these concerns.

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

S.B. 280 amends the Local Government Code to authorize the creation of a park and recreation district 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 to improve, equip, maintain, finance, and operate any public park located in the district and owned or leased by the county; to conserve the natural resources in the district; and to improve the public health, safety, and welfare in the district. The bill authorizes a county commissioners court to order an election on the issue of the creation of a district on the court's own motion or after the filing of a written petition and sets out procedures and requirements for the election and creation of the district. The bill provides for the composition and operation of the seven-member board of directors of a district and establishes that board actions are subject to the supervision of the commissioners court.

S.B. 280 sets out the powers and duties of a district, including those related to the deposit and disbursement of district funds, employment of personnel, and authority to enter into contracts. The bill authorizes a district board to adopt rules and ordinances and provides for the enforcement of district rules and ordinances. The bill establishes a district's authority to acquire land to create parks and develop, improve, protect, promote, sell, or lease the land. The bill establishes that a district does not have the power of eminent domain.

S.B. 280 sets out provisions relating to a three-year master plan for capital development and the development of parks and district facilities and permanent improvements on land with river frontage. The bill prohibits a district from imposing a property tax or issuing a bond and requires the board to prepare and file a complete financial statement and budget in accordance with the bill's requirements. The bill authorizes a district to collect certain fees and provides penalties for a violation of the bill's provisions relating to a district-issued revenue permit. The bill specifies

the authorized uses of district revenue and authorizes a district board to establish a replacement fund. The bill sets out procedures for the annexation to a district of an unincorporated area that is contiguous to the district, for the disannexation of any area in a district from the district, and for the dissolution of a district. The bill sets out requirements for the rental of water-oriented recreational equipment.

EFFECTIVE DATE

September 1, 2013.