

By: Kleinschmidt

H.B. No. 791

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) conserve the natural resources in the district;  
and

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

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

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

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

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

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

7           [Sections 324A.003-324A.020 reserved for expansion]

8           SUBCHAPTER B. CREATION OF PARK AND RECREATION DISTRICT

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

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

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

17           (b) The petition or commissioners court's motion must  
18 include:

19           (1) the name of the proposed district;

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

23           (3) an accurate plat of the area to be included in the  
24 district.

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

1 day after the date the petition is filed.

2 (b) The commissioners court shall publish notice of the  
3 petition and the hearing date in a newspaper of general circulation  
4 in the county.

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

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

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

13 (c) The commissioners court shall grant the petition and  
14 order the election on the issue of the creation of the district if  
15 the court finds that:

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

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

20 (3) the district does not include any incorporated  
21 area.

22 Sec. 324A.024. CREATION ELECTION. (a) The election shall  
23 be held on the date of the first regularly scheduled countywide  
24 election that follows the date of the order of the election and for  
25 which there is sufficient time to comply with other requirements of  
26 law.

27 (b) The returns on the election shall be certified and the

1 results declared in the same manner as provided for other county  
2 elections. If a majority of the votes received on the issue favor  
3 creation of the district, the commissioners court shall declare the  
4 district created and shall enter the results in the commissioners  
5 court's minutes at the commissioners court's next regularly  
6 scheduled meeting.

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

10 [Sections 324A.026-324A.040 reserved for expansion]

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

12 Sec. 324A.041. COMPOSITION AND APPOINTMENT OF BOARD. (a) A  
13 district is governed by a board composed of seven members.

14 (b) The commissioners court shall appoint the members of the  
15 board.

16 (c) A board member must be a citizen of the United States and  
17 must reside in the county. Four of the board members must reside,  
18 own property, or own a business in the district. One board member  
19 must live outside the district.

20 (d) A board member may not be an officer or employee of the  
21 county in which the district is created or of a municipality in that  
22 county.

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

1 (f) If a vacancy occurs on the board, the commissioners  
2 court shall appoint a person to fill the vacancy for the unexpired  
3 term.

4 (g) The commissioners court shall file a certificate of the  
5 appointment of each board member with the county clerk. The  
6 certificate is conclusive evidence of the proper appointment of the  
7 board member.

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

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

14 (b) The bond must be:

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

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

18 (3) conditioned that the board member will faithfully  
19 perform the duties of a board member, including the proper handling  
20 of all money that comes into the board member's hands in the board  
21 member's official capacity.

22 Sec. 324A.043. COMPENSATION AND REIMBURSEMENT. A board  
23 member is not entitled to compensation but is entitled to  
24 reimbursement for necessary expenses, including travel expenses,  
25 incurred in performing the duties of a board member. A board  
26 member's reimbursement for necessary expenses, in excess of \$250,  
27 must be approved by the commissioners court. A board member's

1 approved expense account shall be paid in due time by the board's  
2 check or warrant.

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

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

10 (b) Not later than the 30th day after the date the board  
11 acts, the commissioners court may approve or disapprove the board's  
12 action. If the court disapproves the act, the act is ineffective.  
13 Otherwise, the act becomes effective on the earlier of the date the  
14 commissioners court approves the act or the 31st day after the date  
15 the board acted.

16 Sec. 324A.046. ORGANIZATION; MEETINGS. (a) Annually, the  
17 board shall elect a president, a vice president, a secretary, and a  
18 treasurer, except that the first president shall be designated by  
19 the commissioners court at the time of the appointment of the first  
20 board.

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

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

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

3       [Sections 324A.047-324A.060 reserved for expansion]

4                   SUBCHAPTER D. POWERS AND DUTIES

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

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

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

12       Sec. 324A.062. PERSONNEL. (a) The board may employ a  
13 manager, secretary, stenographer, bookkeeper, accountant, and  
14 technical expert and any other support personnel or agent the board  
15 considers necessary.

16       (b) The board shall determine the qualifications and set the  
17 duties of employees.

18       (c) The board may call on the county attorney, district  
19 attorney, or criminal district attorney for the legal services the  
20 board requires. The board may contract for and compensate the  
21 board's own legal staff.

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

25       Sec. 324A.064. CONTRACTS. (a) The board may enter into any  
26 contract that the board considers necessary or convenient to carry  
27 out the purposes and powers granted by this chapter, including a

1 lease or other contract connected with, incident to, or affecting  
2 the acquisition, financing, construction, equipment, maintenance,  
3 renovation, repair, improvement, or operation of real property or  
4 facilities.

5 (b) If the contract is for an amount less than or equal to  
6 the amount prescribed by Section 262.023, the board may enter into  
7 the contract without advertisement. If the contract is for more  
8 than that amount, the contract is subject to the bidding provisions  
9 applicable to county contracts.

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

11 (1) approved by board resolution;

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

13 (3) attested by the secretary or treasurer.

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

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

19 (1) the administration, enforcement, and collection  
20 of district fees and the issuance, suspension, and cancellation of  
21 revenue permits;

22 (2) littering and litter abatement on public water in  
23 the district, including the possession and disposition of glass  
24 containers;

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



1           (4) tenants, business privileges, concessionaires,  
2 users, and activities affecting district property and facilities,  
3 including hunting, fishing, boating, camping, tubing, swimming,  
4 and conservation of natural resources.

5           (b) A police officer, constable, sheriff, or other law  
6 enforcement officer with jurisdiction in the county may arrest  
7 persons violating board rules or ordinances and carry out the  
8 prosecution of those persons in the proper court.

9           (c) A person who violates a rule or ordinance adopted under  
10 this section commits an offense. An offense under this subsection  
11 is a Class C misdemeanor.

12           (d) The county attorney, the district attorney, the  
13 criminal district attorney, or an attorney retained by the board  
14 for this purpose may bring an action to enjoin a violation of board  
15 rules or ordinances, and if the board authorizes, may seek damages  
16 and attorney's fees based on the violation, if the violation  
17 involves:

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

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

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

27           Sec. 324A.067. BOND. If the board brings an action to

1 enforce this subchapter or enjoin a violation of a rule or ordinance  
2 adopted by the board under this subchapter, the board is not  
3 required to post a bond.

4 Sec. 324A.068. POWER TO ACQUIRE PROPERTY. (a) For the  
5 conservation of the natural resources of the county, the board may  
6 acquire land in the county, in or outside the district, including a  
7 stream, a lake, submerged land, and swampland, to create parks. The  
8 board may develop, improve, protect, and promote the land in a  
9 manner the board considers conducive to the general welfare.

10 (b) The land may be acquired by:

11 (1) gift or devise;

12 (2) lump-sum payment; or

13 (3) installment payments with or without option to  
14 purchase.

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

16 (d) The commissioners court by eminent domain may not  
17 acquire land for park purposes after August 31, 2013, and  
18 subsequently transfer by any means the land or control of the land  
19 to the board for park purposes or other purposes. If the  
20 commissioners court by eminent domain acquires land for purposes  
21 other than park purposes after August 31, 2013, the court may not  
22 transfer by any means the land or control of the land to the board  
23 for park purposes or other purposes before the 10th anniversary of  
24 the date the court acquired the land.

25 Sec. 324A.069. SALE OR LEASE OF LANDS. (a) If the board  
26 determines that any land owned by the district is not necessary for  
27 the purposes for which the land was acquired, the board may sell and

1 dispose of the land on terms the board considers advisable.

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

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

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

14 (1) accept grants and gratuities in any form from any  
15 source, including the United States government, this state, any  
16 state or federal agency, any private or public corporation, or any  
17 other person;

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

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

20 Sec. 324A.071. COOPERATION WITH OTHER PUBLIC AUTHORITIES.

21 Under an agreement with a public authority in control of parkland in  
22 the county, the district may assume control of all or part of the  
23 parkland in the district or contiguous to the district or may  
24 contract or cooperate with the public authority in connection with  
25 the use, development, improvement, and protection of the parkland.

26 Sec. 324A.072. IMPROVEMENT OF PUBLIC HIGHWAY. The board  
27 may enter into an agreement with a public authority in control of a

1 highway in a park area or connecting two or more park areas to make  
2 alterations in the route or width of the highway or to grade, drain,  
3 pave, or otherwise improve the highway.

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

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

11 (c) The board shall annually develop and approve a one-year  
12 budget that must include the suggested revisions and additions to  
13 the master plan.

14 (d) The board shall submit the annual budget to the  
15 commissioners court for approval and shall file a copy with the  
16 county clerk.

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

- 20 (1) a sanitary facility;
- 21 (2) a litter receptacle;
- 22 (3) a drinking water facility;
- 23 (4) a parking lot;
- 24 (5) a road or trail;
- 25 (6) a river ingress or egress facility;
- 26 (7) an information booth;
- 27 (8) a fee collection facility;

1           (9) a visitor's center; or

2           (10) a district office.

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

7           (c) Subject to the restrictions provided by Section  
8 324A.068(d), the district may accept as a grant, gratuity, gift, or  
9 devise land with river access and any improvement that may exist on  
10 the land at the time of the gift.

11           [Sections 324A.075-324A.090 reserved for expansion]

12           SUBCHAPTER E. FEES AND FINANCIAL PROVISIONS

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

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

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

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

26           Sec. 324A.093. FINANCIAL STATEMENT; BUDGET. (a) On or  
27 before February 1 of each year, the board shall prepare and file

1 with the officer responsible for the county budget a complete  
2 financial statement showing the financial status of the district  
3 and the district's properties, funds, and indebtedness.

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

7 (1) leases, promissory notes, and other indebtedness  
8 of the district; and

9 (2) fee revenue of the district.

10 (c) At the time the financial statement is filed, the board  
11 shall file with the commissioners court a proposed budget of the  
12 board's needs for the next fiscal year. The proposed budget shall  
13 include items that:

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

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

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

22 (e) The county auditor may conduct a general audit and issue  
23 a financial statement of the district at times the auditor  
24 considers appropriate.

25 (f) The board shall operate the parks and facilities under  
26 the board's control in a manner that will produce revenue at least  
27 sufficient to pay the expenses of operating and maintaining the

1 district's parks and facilities without seeking from the  
2 commissioners court the appropriation of additional money for those  
3 expenses.

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

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

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

13 (A) for each day to rent:

14 (i) a camping space;

15 (ii) a picnic space;

16 (iii) a parking space;

17 (iv) a boat slip or dry boat storage; or

18 (v) fishing tackle;

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

20 or

21 (C) for an initiation or membership fee of a  
22 private club or organization that provides water-oriented  
23 recreational equipment for use to a member; and

24 (2) a fee imposed by board resolution at a rate not  
25 greater than \$2 a person:

26 (A) for each rental of water-oriented  
27 recreational equipment, including a canoe, tube, raft, boat, or

1 kayak intended for use on a river in the district; or

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

5 (c) A fee imposed under this section is payable by the  
6 purchaser or consumer of the item subject to the fee except that if  
7 the person responsible for collecting the fee does not comply with  
8 this chapter by collecting and remitting the fee to the district,  
9 the person responsible for collecting the fee is liable for the fee.

10 (d) A person who does not hold a revenue permit issued by the  
11 board may not provide or offer for remuneration a service, a use of  
12 a facility, or a rental of an item if the price paid for the service,  
13 use, or rental is subject to a fee under this section. A person who  
14 holds a revenue permit issued by the district shall collect the fees  
15 imposed under this section and shall report and remit the collected  
16 fees to the district as the district requires.

17 (e) If a revenue permit holder remits fees after the due  
18 date but on or before the 30th day after the due date, the revenue  
19 permit holder shall pay the district a penalty of five percent of  
20 the amount of fees due. If the revenue permit holder remits the  
21 fees after the 30th day after the due date, the revenue permit  
22 holder shall pay the district a penalty of 10 percent of the amount  
23 of fees due.

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

27 (g) If a revenue permit holder does not collect and remit a



1 fee imposed, the board may suspend, revoke, or cancel the holder's  
2 revenue permit and pursue any other remedy the district may have to  
3 collect the fee under civil or criminal law.

4 (h) A person who violates Subsection (d) commits an offense  
5 if the person rents or offers for rent an item subject to a fee under  
6 this section. Each provision or offer for remuneration of the  
7 service, use, or rental is a separate offense. An offense under  
8 this subsection is a Class C misdemeanor, unless it is shown at the  
9 trial of the defendant that the defendant has previously been  
10 convicted of an offense under this subsection, in which case the  
11 offense is a Class B misdemeanor.

12 (i) In the same manner that this section applies to a person  
13 who provides or offers a service, a use of a facility, or a rental of  
14 an item in the district, this section applies to a person who  
15 resides or does business outside the district but:

16 (1) provides or offers recreational guide or shuttle  
17 services or the rental of water-oriented recreational equipment in  
18 the district; and

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

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

25 (k) The district may impose different fee rates for  
26 different types of services or rental items described by Subsection  
27 (b)(2). A fee rate may not exceed the maximum rate provided by that

1 subdivision.

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

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

5 (2) a state park in the district.

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

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

11 (2) construction, improvement, or maintenance of a  
12 road that leads to or is in the district;

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

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

17 (5) other programs that promote water-oriented  
18 recreation in the district;

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

21 (7) acquiring insurance for the district;

22 (8) hiring necessary personnel as provided by Section  
23 324A.062;

24 (9) construction of facilities to house district  
25 personnel and equipment;

26 (10) leasing of property as necessary to benefit the  
27 district; and

1           (11) any other lawful purpose for the benefit of the  
2 district.

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

6           (b) The replacement fund may be used to rebuild, restore,  
7 repair, or improve district property that is destroyed or injured  
8 or as necessary to expand, improve, demolish, repair, or replace  
9 district property because of unfitness.

10          (c) The board may invest the replacement fund in bonds of  
11 the United States, this state, or a county, municipal corporation,  
12 or school district of this state.

13           [Sections 324A.098-324A.120 reserved for expansion]

14           SUBCHAPTER F. ANNEXATION; INCORPORATION; DISSOLUTION

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

18           (b) The petition must contain an accurate description of the  
19 area proposed for annexation, accompanied by an accurate map or  
20 plat of the area.

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

23           (d) If the board considers the proposed annexation  
24 desirable, the board shall file the petition with the commissioners  
25 court with a statement of the reasons the board favors the  
26 annexation.

27           (e) The commissioners court shall give notice of a hearing

1 on the petition and hold a hearing in the manner prescribed by  
2 Sections 324A.022 and 324A.023 for a petition for creation of a  
3 district.

4 (f) The commissioners court may grant the petition if the  
5 commissioners court finds the petition meets the requirements of  
6 this section and the annexation promotes the purposes for which the  
7 district was created.

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

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

15 (b) The petition must contain an accurate description of the  
16 area proposed for disannexation, accompanied by an accurate map or  
17 plat of the area.

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

21 (d) The board shall file the petition with the commissioners  
22 court if:

23 (1) the district has not acquired or constructed a  
24 permanent improvement or facility in the area proposed for  
25 disannexation; and

26 (2) the district's projected revenue from all sources,  
27 except from the area proposed for disannexation, is sufficient to

1 pay the district's outstanding debts.

2 (e) The commissioners court shall give notice of a hearing  
3 on the petition and hold a hearing in the manner prescribed by  
4 Sections 324A.022 and 324A.023 for a petition for creation of a  
5 district.

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

8 (1) the petition meets the requirements of this  
9 section;

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

11 (3) the disannexation is in the county's best  
12 interests.

13 (g) The disannexation takes effect on the date stated by the  
14 order or, if the order does not state a date, on the date the order  
15 is issued.

16 Sec. 324A.124. DISSOLUTION OF DISTRICT. (a) The  
17 commissioners court by order may dissolve a district. The order may  
18 be adopted:

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

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

24 (b) The commissioners court shall give notice of a hearing  
25 on the petition and hold a hearing in the manner prescribed by  
26 Sections 324A.022 and 324A.023 for a petition for creation of a  
27 district.

1       (c) The commissioners court shall grant the petition and  
2 order the dissolution of the district if the court finds that the  
3 petition meets the requirements of this section and that the  
4 dissolution is in the county's best interests.

5       (d) On dissolution of the district, the county assumes the  
6 district's property and other assets, debts and other liabilities,  
7 and obligations.

8       [Sections 324A.125-324A.900 reserved for expansion]

9               SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

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

13       (b) A person may not rent water-oriented recreational  
14 equipment to a person younger than 18 years of age.

15       (c) A person may rent water-oriented recreational equipment  
16 to a person who is at least 18 years of age only if:

17               (1) each person who is at least 18 years of age who  
18 will use the equipment signs a written agreement for the rental of  
19 that equipment; and

20               (2) each person who will use the equipment, regardless  
21 of age, is listed on the agreement.

22       SECTION 2. This Act takes effect September 1, 2013.