

By: Zaffirini

S.B. No. 280

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

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

13           SUBCHAPTER B. CREATION OF PARK AND RECREATION DISTRICT

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

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

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

22           (b) The petition or commissioners court's motion must  
23 include:

24           (1) the name of the proposed district;

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

1           (3) an accurate plat of the area to be included in the  
2 district.

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

7           (b) The commissioners court shall publish notice of the  
8 petition and the hearing date in a newspaper of general circulation  
9 in the county.

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

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

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

18          (c) The commissioners court shall grant the petition and  
19 order the election on the issue of the creation of the district if  
20 the court finds that:

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

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

25               (3) the district does not include any incorporated  
26 area.

27          Sec. 324A.024. CREATION ELECTION. (a) The election shall

1 be held on the date of the first regularly scheduled countywide  
2 election that follows the date of the order of the election and for  
3 which there is sufficient time to comply with other requirements of  
4 law.

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

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

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

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

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

18 (b) The commissioners court shall appoint the members of the  
19 board.

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

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

27 (e) Three members of the initial board serve one-year terms

1 and four members serve two-year terms. The members shall draw lots  
2 to determine who serves the one-year terms. Thereafter, each  
3 director is appointed for a term of two years from the date of the  
4 director's appointment.

5 (f) If a vacancy occurs on the board, the commissioners  
6 court shall appoint a person to fill the vacancy for the unexpired  
7 term.

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

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

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

18 (b) The bond must be:

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

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

22 (3) conditioned that the board member will faithfully  
23 perform the duties of a board member, including the proper handling  
24 of all money that comes into the board member's hands in the board  
25 member's official capacity.

26 Sec. 324A.043. COMPENSATION AND REIMBURSEMENT. A board  
27 member is not entitled to compensation but is entitled to

1 reimbursement for necessary expenses, including travel expenses,  
2 incurred in performing the duties of a board member. A board  
3 member's reimbursement for necessary expenses in excess of \$250  
4 must be approved by the commissioners court. A board member's  
5 approved expense account shall be paid in due time by the board's  
6 check or warrant.

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

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

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

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

25 (b) The offices of secretary and treasurer may be held by  
26 the same person. If either the secretary or the treasurer is absent  
27 or unavailable, the president may appoint another board member to

1 act for and perform the duties of the absent or unavailable officer.

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

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

7 SUBCHAPTER D. POWERS AND DUTIES

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

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

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

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

19 (b) The board shall determine the qualifications and set the  
20 duties of employees.

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

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

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

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

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

14               (1) approved by board resolution;

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

16               (3) attested by the secretary or treasurer.

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

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

22               (1) the administration, enforcement, and collection  
23 of district fees and the issuance, suspension, and cancellation of  
24 revenue permits;

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



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

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

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

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

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

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

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

21          (e) The county attorney, the district attorney, the  
22 criminal district attorney, or an attorney retained by the board  
23 for this purpose may bring an action to enjoin a violation of board  
24 rules or ordinances and, if the board authorizes, may seek damages  
25 and attorney's fees based on the violation, if the violation  
26 involves:

27           (1) the providing or offering of a service or the use

1 or rental of a facility or an item for remuneration by a person who  
2 does not hold a revenue permit issued by the district or for which  
3 collection of a fee is required;

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

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

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

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

19 (b) The land may be acquired by:

20 (1) gift or devise;

21 (2) lump-sum payment; or

22 (3) installment payments with or without option to  
23 purchase.

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

25 (d) The commissioners court by eminent domain may not  
26 acquire land for park purposes after August 31, 2013, and  
27 subsequently transfer by any means the land or control of the land

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

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

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

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

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

23 (1) accept grants and gratuities in any form from any  
24 source, including the United States government, this state, any  
25 state or federal agency, any private or public corporation, or any  
26 other person;

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

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

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

3 Under an agreement with a public authority in control of parkland in  
4 the county, the district may assume control of all or part of the  
5 parkland in the district or contiguous to the district or may  
6 contract or cooperate with the public authority in connection with  
7 the use, development, improvement, and protection of the parkland.

8           Sec. 324A.072. IMPROVEMENT OF PUBLIC HIGHWAY. The board  
9 may enter into an agreement with a public authority in control of a  
10 highway in a park area or connecting two or more park areas to make  
11 alterations in the route or width of the highway or to grade, drain,  
12 pave, or otherwise improve the highway.

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

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

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

23           (d) The board shall submit the annual budget to the  
24 commissioners court for approval and shall file a copy with the  
25 county clerk.

26           Sec. 324A.074. PERMANENT IMPROVEMENTS ON LAND WITH RIVER  
27 FRONTAGE. (a) The district may not purchase a river access

1 location except for use as:

2 (1) a sanitary facility;

3 (2) a litter receptacle;

4 (3) a drinking water facility;

5 (4) a parking lot;

6 (5) a road or trail;

7 (6) a river ingress or egress facility;

8 (7) an information booth;

9 (8) a fee collection facility;

10 (9) a visitor's center; or

11 (10) a district office.

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

16 (c) Subject to the restrictions provided by Section  
17 324A.068(d), the district may accept as a grant, gratuity, gift, or  
18 devise land with river access and any improvement that may exist on  
19 the land at the time of the gift.

20 SUBCHAPTER E. FEES AND FINANCIAL PROVISIONS

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

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

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

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

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

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

15               (1) leases, promissory notes, and other indebtedness  
16 of the district; and

17               (2) fee revenue of the district.

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

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

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

25       (d) The officer responsible for the county budget shall  
26 include the district's proposed budget on the calendar for the next  
27 regularly scheduled meeting of the commissioners court. As part of

1 the county's tentative budget, the items certified by the board are  
2 subject to state law relating to county budgets.

3 (e) The county auditor may conduct a general audit and issue  
4 a financial statement of the district at times the auditor  
5 considers appropriate.

6 (f) The board shall operate the parks and facilities under  
7 the board's control in a manner that will produce revenue at least  
8 sufficient to pay the expenses of operating and maintaining the  
9 district's parks and facilities without seeking from the  
10 commissioners court the appropriation of additional money for those  
11 expenses.

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

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

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

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

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

26 (C) for each day of recreational guide services;

27 or

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

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

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

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

12           (c) A fee imposed under this section is payable by the  
13 purchaser or consumer of the item subject to the fee, except that,  
14 if the person responsible for collecting the fee does not comply  
15 with this chapter by collecting and remitting the fee to the  
16 district, the person responsible for collecting the fee is liable  
17 for the fee.

18           (d) A person who does not hold a revenue permit issued by the  
19 board may not provide or offer for remuneration a service, a use of  
20 a facility, or a rental of an item if the price paid for the service,  
21 use, or rental is subject to a fee under this section. A person who  
22 holds a revenue permit issued by the district shall collect the fees  
23 imposed under this section and shall report and remit the collected  
24 fees to the district as the district requires.

25           (e) If a revenue permit holder remits fees after the due  
26 date but on or before the 30th day after the due date, the revenue  
27 permit holder shall pay the district a penalty of five percent of



1 the amount of fees due. If the revenue permit holder remits the  
2 fees after the 30th day after the due date, the revenue permit  
3 holder shall pay the district a penalty of 10 percent of the amount  
4 of fees due.

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

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

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

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

24 (1) provides or offers recreational guide or shuttle  
25 services or the rental of water-oriented recreational equipment in  
26 the district; and

27 (2) regularly transports customers into or out of the

1 district for river or parking access.

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

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

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

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

13 (2) a state park in the district.

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

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

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

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

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

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

27 (6) a contribution to the county's general fund in the

1 event that the board finds it has excess revenues;  
2 (7) acquiring insurance for the district;  
3 (8) hiring necessary personnel as provided by Section  
4 324A.062;  
5 (9) the construction of facilities to house district  
6 personnel and equipment;  
7 (10) the leasing of property as necessary to benefit  
8 the district; and  
9 (11) any other lawful purpose for the benefit of the  
10 district.

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

14 (b) The replacement fund may be used to rebuild, restore,  
15 repair, or improve district property that is destroyed or injured  
16 or as necessary to expand, improve, demolish, repair, or replace  
17 district property because of unfitness.

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

21 SUBCHAPTER F. ANNEXATION; INCORPORATION; DISSOLUTION

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

25 (b) The petition must contain an accurate description of the  
26 area proposed for annexation, accompanied by an accurate map or  
27 plat of the area.

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

3       (d) If the board considers the proposed annexation  
4 desirable, the board shall file the petition with the commissioners  
5 court with a statement of the reasons the board favors the  
6 annexation.

7       (e) The commissioners court shall give notice of a hearing  
8 on the petition and hold a hearing in the manner prescribed by  
9 Sections 324A.022 and 324A.023 for a petition for creation of a  
10 district.

11       (f) The commissioners court may grant the petition if the  
12 commissioners court finds the petition meets the requirements of  
13 this section and the annexation promotes the purposes for which the  
14 district was created.

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

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

22       (b) The petition must contain an accurate description of the  
23 area proposed for disannexation, accompanied by an accurate map or  
24 plat of the area.

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

1       (d) The board shall file the petition with the commissioners  
2 court if:

3           (1) the district has not acquired or constructed a  
4 permanent improvement or facility in the area proposed for  
5 disannexation; and

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

9       (e) The commissioners court shall give notice of a hearing  
10 on the petition and hold a hearing in the manner prescribed by  
11 Sections 324A.022 and 324A.023 for a petition for creation of a  
12 district.

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

15           (1) the petition meets the requirements of this  
16 section;

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

18           (3) the disannexation is in the county's best  
19 interests.

20       (g) The disannexation takes effect on the date stated by the  
21 order or, if the order does not state a date, on the date the order  
22 is issued.

23       Sec. 324A.124. DISSOLUTION OF DISTRICT. (a) The  
24 commissioners court by order may dissolve a district. The order may  
25 be adopted:

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

27           (2) after the filing of a written petition signed by a

1 number of the registered voters who reside in the district equal to  
2 at least 10 percent of the votes received in the district in the  
3 most recent gubernatorial general election.

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

8 (c) The commissioners court shall grant the petition and  
9 order the dissolution of the district if the court finds that the  
10 petition meets the requirements of this section and that the  
11 dissolution is in the county's best interests.

12 (d) On dissolution of the district, the county assumes the  
13 district's property and other assets, debts and other liabilities,  
14 and obligations.

15 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

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

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

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