

By: Zaffirini
(Kuempel)

S.B. No. 234

Substitute the following for S.B. No. 234:

By: Fallon

C.S.S.B. No. 234

A BILL TO BE ENTITLED

AN ACT

relating to the creation and operation of a park and recreation district in counties that share a border on the San Marcos River and to the authority of the district to collect fees and issue bonds; creating a criminal offense and 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 CERTAIN COUNTIES ON

SAN MARCOS RIVER

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 324A.001. ELIGIBLE COUNTIES AND TERRITORY. (a) Two counties that share a border on the San Marcos River may create a district as provided by this chapter in all or part of the counties to:

(1) conserve the natural resources in the district;

and

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

(b) The territory of a district created under this chapter must include all of at least one county election precinct on each side of the San Marcos River, except that the district territory must exclude all territory located in a state park.

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

1 (1) "Board" means the board of directors of a park and
2 recreation district created under this chapter.

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

5 (3) "Eligible county" means a county described by
6 Section 324A.001.

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

8 SUBCHAPTER B. CREATION OF PARK AND RECREATION DISTRICT

9 Sec. 324A.021. CREATION ELECTIONS REQUIRED. A district may
10 be created under this chapter only if:

11 (1) the commissioners court of each eligible county in
12 which the proposed district will be located:

13 (A) receives a written petition for the creation
14 of the district that:

15 (i) is signed by a number of the registered
16 voters who reside in the county equal to at least five percent of
17 the votes received in the county in the most recent gubernatorial
18 general election; and

19 (ii) includes an accurate description of
20 the territory to be included in the district by reference to county
21 election precinct boundaries, by metes and bounds, by lot and block
22 number if there is a recorded map or plat and survey of the area, or
23 by other sufficient legal description; or

24 (B) passes a motion favoring creation of the
25 district that includes an accurate description of the territory to
26 be included in the district by reference to county election
27 precinct boundaries, by metes and bounds, by lot and block number if

1 there is a recorded map or plat and survey of the area, or by other
2 sufficient legal description;

3 (2) the commissioners court of each county in which
4 the proposed district will be located approves the creation of the
5 district after a public hearing held to consider the creation of the
6 district; and

7 (3) the creation of the district is approved by the
8 voters as provided by Section 324A.024.

9 Sec. 324A.022. HEARING. (a) A commissioners court of an
10 eligible county that receives a petition or passes a motion under
11 Section 324A.021 shall hold a hearing on the creation of the
12 district.

13 (b) The commissioners court shall set a date for the hearing
14 that is after the 20th day but on or before the 40th day after the
15 date the petition is received or the passage of the motion, as
16 applicable, under Section 324A.021.

17 (c) The commissioners court shall publish in a newspaper of
18 general circulation in the county notice of the petition or motion
19 and the hearing date.

20 (d) The notice must be published at least once each week for
21 a period of two weeks before the hearing date.

22 (e) At the hearing, the commissioners court shall hear all
23 arguments for and against the creation of the district and shall
24 take evidence as in civil cases in the county court.

25 (f) The hearing may be adjourned from time to time on good
26 cause shown.

27 Sec. 324A.023. ORDER OF ELECTION. (a) After holding a

1 hearing under Section 324A.022, the commissioners court may approve
2 the creation of the district and order an election on the issue of
3 the creation of the district only if the court finds that:

4 (1) the petition, if any, was signed by the required
5 number of registered voters in the county;

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

8 (3) the territory of the proposed district includes at
9 least one county election precinct in an eligible county on each
10 side of the San Marcos River.

11 (b) The commissioners court's election order must provide
12 for the voters of the territory of the proposed district who reside
13 in the county to vote for or against a proposition to approve the
14 creation of the district.

15 (c) A commissioners court that orders an election under this
16 section shall notify the commissioners court of the other eligible
17 county in which the proposed district will be located of the order.

18 Sec. 324A.024. ELECTION; RESULT. (a) The election must be
19 held on the date of the first regularly scheduled countywide
20 election that follows the date of the order of the election and for
21 which there is sufficient time to comply with other requirements of
22 law.

23 (b) The commissioners courts of the counties in which the
24 proposed district will be located are not required to hold their
25 respective creation elections on the same day.

26 (c) The returns on the election shall be certified and the
27 results declared in the same manner as provided for other county

1 elections, except as provided by this section.

2 (d) A commissioners court that holds an election under this
3 section shall notify the commissioners court of the other county in
4 which the district is proposed to be located of the results of the
5 election, including the number of voters who voted for the
6 proposition and the number of voters who voted against the
7 proposition.

8 (e) After an election is held in the proposed district
9 territory of each eligible county, the commissioners court of each
10 county shall determine whether the majority of the voters of the
11 proposed district territory in that county voting in the election
12 voted for or against the proposition to approve the creation of the
13 district. The county commissioners courts jointly shall declare
14 the district created if a majority of the voters who voted in each
15 county voted for the proposition. Each commissioners court shall
16 enter in the court's minutes at the court's next meeting that the
17 voters of the county approved or did not approve the creation of the
18 district.

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

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

23 Sec. 324A.041. APPOINTMENT OF BOARD MEMBERS; TERMS. (a) A
24 district is governed by a board composed of seven members.

25 (b) The commissioners court of each county in which the
26 district is located shall appoint three members of the board.

27 (c) A municipality in the district may nominate a candidate

1 for the seventh board member position. The six board members
2 appointed under Subsection (b) shall select a seventh board member
3 from among the nominations or, if the board receives no
4 nominations, shall select a seventh board member.

5 (d) A commissioners court or the board shall file with the
6 county clerk of each county in which the district is located a
7 certificate of the appointment of each board member appointed by
8 the court or board. The certificate is conclusive evidence of the
9 proper appointment of the board member.

10 (e) Three members of the initial board serve one-year terms
11 and four members serve two-year terms. The members shall draw lots
12 to determine which members serve the one-year terms. Thereafter,
13 each board member is appointed for a term of two years from the date
14 of the board member's appointment.

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

17 Sec. 324A.042. QUALIFICATIONS. (a) A board member must:

18 (1) be a citizen of the United States; and

19 (2) reside, own property, or own a business in the
20 district.

21 (b) A board member may not be an officer or employee of a
22 county in which the district is located or of a municipality in the
23 district.

24 (c) Not more than two board members may be owners,
25 operators, or employees of businesses that provide as their main
26 business the same specific good or service.

27 Sec. 324A.043. VACANCIES. A vacancy that occurs on the

1 board shall be filled for the unexpired term by appointment in the
2 manner in which the vacating board member was appointed.

3 Sec. 324A.044. OATH AND BOND. (a) Not later than the 30th
4 day after the date a board member is appointed, the member must
5 qualify by taking the official oath and by filing a good and
6 sufficient bond with the district.

7 (b) The bond must be:

8 (1) payable to the district;

9 (2) payable in an amount prescribed by the district of
10 \$5,000 or more; and

11 (3) conditioned that the board member will faithfully
12 perform the duties of a board member, including the proper handling
13 of all money that comes into the board member's hands in the board
14 member's official capacity.

15 Sec. 324A.045. COMPENSATION AND REIMBURSEMENT. A board
16 member is not entitled to compensation but is entitled to
17 reimbursement for necessary expenses, including travel expenses,
18 incurred in performing the duties of a board member. A board
19 member's reimbursement for necessary expenses in excess of \$250
20 must be approved by the board. A board member's approved expense
21 account shall be paid in due time by the board's check or warrant.

22 Sec. 324A.046. QUORUM; MAJORITY VOTE. (a) Five board
23 members constitute a quorum of the board.

24 (b) An affirmative vote of a majority of the membership of
25 the board is required for board action.

26 Sec. 324A.047. APPROVAL OF COMMISSIONERS COURT. (a) The
27 board is subject to the supervision of the commissioners courts of

1 the counties in which the district is located in the exercise of all
2 the board's rights, powers, and privileges and in the performance
3 of the board's duties.

4 (b) Not later than the 30th day after the date the board
5 acts, the commissioners courts may approve or disapprove the
6 board's action. If one of the courts disapproves the act, the act
7 is ineffective. Otherwise, the act becomes effective on the
8 earlier of the date each commissioners court approves the act or the
9 31st day after the date the board acted.

10 Sec. 324A.048. ORGANIZATION; MEETINGS. (a) Annually, the
11 board shall elect a president, a vice president, a secretary, and a
12 treasurer.

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

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

20 (d) The board shall hold meetings at a public place in a
21 county in which the district is located.

22 SUBCHAPTER D. POWERS AND DUTIES

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

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

27 (c) A warrant or check for the withdrawal of money must be

1 signed by two persons authorized to sign a warrant or check by
2 resolution entered in the board's minutes.

3 Sec. 324A.062. ADMINISTRATION. (a) The board may employ a
4 manager and a secretary.

5 (b) The board shall determine the qualifications and set the
6 duties of employees.

7 (c) The board may call on the county attorney, district
8 attorney, or criminal district attorney of a county in which the
9 district is located for legal services the board requires. The
10 board may contract for and compensate the board's own legal staff.

11 (d) The district may maintain and operate an office.

12 (e) The board may acquire insurance for the district.

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

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

19 (b) If the contract is for an amount less than or equal to
20 \$25,000, the board may enter into the contract without
21 advertisement. If the contract is for more than that amount, the
22 contract is subject to the bidding provisions applicable to county
23 contracts.

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

25 (1) approved by board resolution;

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

27 (3) attested by the secretary or treasurer.

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

3 Sec. 324A.066. DISTRICT RULES AND ORDINANCES; CRIMINAL
4 PENALTY. (a) The board may adopt reasonable rules and ordinances
5 applicable to:

6 (1) the administration, enforcement, and collection
7 of district fees and the issuance, suspension, and cancellation of
8 revenue permits;

9 (2) littering and litter abatement on public water in
10 the district;

11 (3) activities that endanger the health and safety of
12 persons or property on public water in the district, including the
13 possession or consumption of alcohol by minors, subject to the
14 public's paramount right to navigate inland water; and

15 (4) conservation of the district's natural resources
16 and regulation of activities affecting the district's natural
17 resources.

18 (b) A program adopted under this section may require a
19 revenue permit holder to participate in a litter abatement program
20 where the permit holder issues a trash bag to a customer.

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

24 Sec. 324A.067. ENFORCEMENT. (a) A police officer,
25 constable, sheriff, or other law enforcement officer with
26 jurisdiction in a county in which the district is located may arrest
27 a person who violates a district rule or ordinance, including a

1 revenue permit requirement, in the officer's, constable's, or
2 sheriff's county and carry out the prosecution of that person in the
3 proper court.

4 (b) The county attorney, district attorney, or criminal
5 district attorney of a county in which the district is located, or
6 an attorney retained by the board for this purpose, may bring an
7 action to enjoin a violation of a district rule or ordinance, and if
8 the board authorizes, may seek damages and attorney's fees based on
9 the violation, if the violation involves:

10 (1) the providing or offering of a rental or service
11 for which collection of a fee is required under Section 324A.092;

12 (2) the failure of a revenue permit holder to remit a
13 fee imposed under Section 324A.092 if the fee has been due for more
14 than 60 days; or

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

18 Sec. 324A.068. BOND. If the board brings an action to
19 enforce this subchapter or enjoin a violation of a district rule or
20 ordinance adopted under this subchapter, the board is not required
21 to post a bond.

22 Sec. 324A.069. HEALTH AND SAFETY SERVICES. The district
23 may provide for fire protection, law enforcement, or emergency
24 medical services in the district.

25 Sec. 324A.070. WATER QUALITY. The district may conduct a
26 program to improve water quality and sanitary conditions in the
27 district.

1 Sec. 324A.071. GRANTS AND GRATUITIES. To promote or
2 accomplish a purpose of this chapter, the board may:

3 (1) accept grants or gratuities in any form from any
4 source, including the United States government, this state, a state
5 or federal agency, a private or public corporation, or any other
6 person; or

7 (2) accept donations of money or other property.

8 Sec. 324A.072. DISTRICT AS TRUSTEE. To promote or
9 accomplish a purpose of this chapter, the district may act as
10 trustee of land, money, or other property.

11 Sec. 324A.073. MANAGEMENT PLAN; ANNUAL BUDGET; FILING.

12 (a) The board shall develop and approve a three-year master plan
13 for the management of the district.

14 (b) The board shall annually review and revise the master
15 plan during the budget process and shall file a copy of the master
16 plan and revisions with the county clerk of each county in which the
17 district is located.

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

21 (d) The board shall submit the annual budget to the
22 commissioners court of each county in which the district is located
23 for approval and shall file a copy with the county clerk.

24 Sec. 324A.074. NO EMINENT DOMAIN POWER. The district may
25 not exercise the power of eminent domain.

26 SUBCHAPTER E. FEES; BONDS; FINANCIAL PROVISIONS

27 Sec. 324A.091. NO AD VALOREM TAXES. The district may not

1 impose an ad valorem tax.

2 Sec. 324A.092. FEES FOR EQUIPMENT RENTALS AND SHUTTLE
3 SERVICE; REVENUE PERMITS; CRIMINAL PENALTY. (a) The district may
4 collect fees and issue revenue permits under this section in the
5 district to carry out any purposes prescribed by this chapter and to
6 pay the obligations and expenses of the district. The district may
7 not impose a fee other than a fee described by this section.

8 (b) The board by resolution may impose fees for the rental
9 of water-oriented recreational equipment intended for use on a
10 river in the district, including a canoe, tube, raft, boat, or
11 kayak, or for the provision of shuttle service in, or into or out
12 of, the district, including a service for river ingress and egress.
13 The board may impose different fee rates for different types of
14 rental equipment or services, except that a fee may not be imposed
15 at a rate greater than \$3 per person:

16 (1) for each rental of water-oriented recreational
17 equipment; or

18 (2) if the person does not rent equipment described by
19 Subdivision (1), for each person using shuttle service.

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

26 (d) A person who does not hold a revenue permit issued by the
27 board commits an offense if the person provides or offers for

1 compensation a rental or service if the price paid for the rental or
2 service is subject to a fee under this section. Each provision or
3 offer for compensation of the rental or service is a separate
4 offense. An offense under this subsection is a Class C misdemeanor,
5 unless it is shown at the trial of the defendant that the defendant
6 has previously been convicted of an offense under this subsection,
7 in which case the offense is a Class B misdemeanor.

8 (e) A person who holds a revenue permit issued by the
9 district shall collect the fees imposed under this section and
10 shall report and remit the collected fees to the district as the
11 district requires.

12 (f) If a revenue permit holder remits fees imposed under
13 this section after the due date but on or before the 30th day after
14 the due date, the revenue permit holder shall pay the district a
15 penalty of five percent of the amount of fees due. If the revenue
16 permit holder remits the fees after the 30th day after the due date,
17 the revenue permit holder shall pay the district a penalty of 10
18 percent of the amount of fees due.

19 (g) Delinquent fees and accrued penalties draw interest at
20 the rate of 10 percent a year beginning on the 60th day after the
21 date the fees imposed under this section were due.

22 (h) If a revenue permit holder does not collect and remit a
23 fee imposed under this section, the board may suspend, revoke, or
24 cancel the holder's revenue permit and pursue any other remedy the
25 district may have to collect the fee under civil or criminal law.

26 (i) The board may settle a claim for a penalty or interest
27 accrued on a fee imposed under this section if the board finds that

1 the revenue permit holder exercised reasonable diligence to comply
2 with this chapter.

3 (j) In the same manner that this section applies to a person
4 who provides or offers a rental or service for compensation in the
5 district, this section applies to a person who resides or does
6 business outside the district but:

7 (1) provides or offers a rental or service for
8 compensation in the district; and

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

11 Sec. 324A.093. FEE EXEMPTION. The district may not collect
12 a fee on a transaction between a person and an interest operated in
13 the district by:

14 (1) the United States;

15 (2) a state park; or

16 (3) a nonprofit youth-oriented organization.

17 Sec. 324A.094. REVENUE BOND ELECTION. (a) Revenue bonds
18 may not be issued by the district until authorized by a majority
19 vote of the district's voters voting at an election called and held
20 for that purpose.

21 (b) Not later than two years after the date the district is
22 declared created under Section 324A.024, the board may order a bond
23 election. Regardless of the requirements of Section 324A.047(b),
24 the order is not effective unless approved by the commissioners
25 court of each county in which the district is located. Except as
26 provided by this section, the election shall be held in the manner
27 provided by the Election Code.

1 (c) At the election, the ballot must be printed to provide
2 for voting for or against the issuance of revenue bonds.

3 (d) If a majority of the votes cast at the election favor the
4 issuance of the bonds, the bonds may be issued by the board. If a
5 majority of the votes cast at the election do not favor issuance of
6 the bonds, the bonds may not be issued.

7 Sec. 324A.095. REVENUE BONDS. (a) The district may issue
8 not more than \$300,000 in revenue bonds and may issue the bonds only
9 to provide funds for the initial operation of the district. The
10 bonds must be approved at an election called under Section
11 324A.094.

12 (b) The district may make the bonds payable out of any
13 revenue of the district.

14 (c) The bonds must be:

15 (1) issued in the name of the district;

16 (2) signed by the county judge of each county in which
17 the district is located; and

18 (3) attested by the county clerk and ex officio clerk
19 of the commissioners court of each county in which the district is
20 located.

21 (d) The seal of the commissioners court of each county in
22 which the district is located must be impressed on the bonds.

23 (e) The bonds must mature serially or otherwise in not more
24 than 40 years and may be sold at a price and under terms determined
25 by the board to be the most advantageous reasonably obtainable.

26 (f) The resolution authorizing the issuance of the bonds may
27 contain provisions for redemption of the bonds before their

1 respective maturity dates at prices and times prescribed in the
2 resolution. Except for rights of redemption expressly reserved in
3 the resolution and in the revenue bonds, the bonds are not subject
4 to redemption before maturity.

5 (g) The bonds may be made payable at times and at places,
6 inside or outside the state, prescribed in the resolution.

7 (h) The bonds may be made registrable as to principal or as
8 to both principal and interest.

9 Sec. 324A.096. BOND ANTICIPATION NOTES. (a) If funds are
10 not available to pay the principal of or interest on bonds issued by
11 the district or to pay other obligations of the district, the board
12 may declare an emergency and may issue negotiable bond anticipation
13 notes to borrow the money needed. The bond anticipation notes may
14 bear interest at a rate that does not exceed the maximum rate
15 provided by Chapter 1204, Government Code, and must mature within
16 one year after their date of issuance.

17 (b) Bond anticipation notes may also be issued for any
18 purpose for which bonds of the district have been voted or to refund
19 previously issued bond anticipation notes.

20 (c) Bond anticipation notes issued under this section must
21 be authorized by resolution of the board, subject to approval by the
22 commissioners courts under Section 324A.047, and must be executed
23 by the president of the board and attested by the secretary of the
24 board.

25 Sec. 324A.097. REFUNDING BONDS. The district may issue
26 refunding bonds under Chapter 1207, Government Code.

27 Sec. 324A.098. REPAYMENT OF BONDS THROUGH FEE REVENUE.

1 (a) This section applies only to fees charged by the district
2 while the district has outstanding bonds or interest.

3 (b) The board shall charge or require the payment of fees
4 authorized by Section 324A.092 while the principal of or interest
5 on district bonds is outstanding.

6 (c) Subject to the maximum fee amount prescribed by Section
7 324A.092(b), the board shall set the fees in amounts that will yield
8 revenues at least sufficient to pay district expenses, to comply
9 with the covenants in the bond resolution, and to make payments
10 prescribed by the bond resolution for debt service. "Debt
11 service," as defined by the bond resolution, may include the
12 payment of principal and interest as each matures, the
13 establishment and maintenance of funds for extensions and
14 improvements, an operating reserve, and an interest and sinking
15 fund reserve.

16 Sec. 324A.099. FINANCIAL STATEMENT; BUDGET. (a) On or
17 before February 1 of each year, the board shall prepare and file
18 with the officer responsible for the county budget for each county
19 in which the district is located a complete financial statement
20 showing the financial status of the district and the district's
21 properties, funds, and indebtedness.

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

25 (1) leases, promissory notes, and other indebtedness
26 of the district; and

27 (2) fee revenue of the district.

1 (c) At the time the financial statement is filed, the board
2 shall file with the commissioners court of each county in which the
3 district is located a proposed budget of the board's needs for the
4 next fiscal year. The proposed budget shall include items that:

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

7 (2) the board requests purchase of with funds from
8 that county.

9 (d) The officer responsible for the county budget for each
10 county in which the district is located shall include the
11 district's proposed budget on the calendar for the next regularly
12 scheduled meeting of the commissioners court. As part of the
13 county's tentative budget, the items certified by the board are
14 subject to state law relating to county budgets.

15 (e) The county auditor of a county in which the district is
16 located, after consultation with or notification to the county
17 auditor of the other county in which the district is located, may
18 conduct a general audit and issue a financial statement of the
19 district at times the auditor considers appropriate.

20 Sec. 324A.100. DISPOSITION OF REVENUE. A district may use
21 district fee revenue and other revenue for any purpose authorized
22 by this chapter or other law for the benefit of the district.

23 SUBCHAPTER F. INCORPORATION; ANNEXATION; DISSOLUTION

24 Sec. 324A.121. EFFECT OF INCORPORATION OR ANNEXATION. The
25 incorporation of a political subdivision or the annexation of any
26 part of a district by a political subdivision does not affect the
27 district's boundaries.

1 Sec. 324A.122. 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 by reference to county election
6 precinct boundaries, by metes and bounds, by lot and block number if
7 there is a recorded map or plat and survey of the area, or by other
8 sufficient legal description.

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

12 (d) The board shall give notice of a hearing on the petition
13 and hold a hearing in the manner prescribed by Section 324A.022 for
14 a commissioners court hearing.

15 (e) The board may grant the petition and by order disannex
16 the territory if the board finds that:

17 (1) the petition meets the requirements of this
18 section;

19 (2) the district's projected revenue from all sources,
20 except from the area proposed for disannexation, is sufficient to
21 pay the district's outstanding debts; and

22 (3) the disannexation is in the district's best
23 interests.

24 (f) Except as provided by Section 324A.124(d), if the Parks
25 and Wildlife Department creates a state park that includes
26 territory in the district, the board shall by order disannex the
27 overlapping territory from the district.

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

4 Sec. 324A.123. DISSOLUTION OF DISTRICT BY COMMISSIONERS
5 COURTS. (a) The commissioners courts of each county in which the
6 district is located by joint order may dissolve the district. The
7 order may be adopted:

8 (1) on a motion by a commissioners court; or

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

14 (b) Each commissioners court that receives a petition shall
15 give notice of a hearing on the petition or motion and hold a
16 hearing in the manner prescribed by Section 324A.022.

17 (c) The commissioners courts shall jointly grant a petition
18 and order the dissolution of the district if the courts find that
19 the petition, if any, meets the requirements of this section and
20 that the dissolution is in the best interests of the counties.

21 Sec. 324A.124. DISSOLUTION OF DISTRICT BY BOARD. (a) The
22 board may by order dissolve the district. The order may be adopted:

23 (1) on the board's own motion; or

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

1 (b) The board shall give notice of a hearing on the petition
2 or motion and hold a hearing in the manner prescribed by Section
3 324A.022 for a commissioners court hearing.

4 (c) After the hearing, the board shall order the dissolution
5 of the district if the board finds that the petition, if any, meets
6 the requirements of this section and that the dissolution is in the
7 best interests of the counties in which the district is located.

8 (d) The board shall by order dissolve the district if the
9 Parks and Wildlife Department creates a state park that includes:

10 (1) all of the district's territory located in one of
11 the counties in which the district is located; or

12 (2) all of the district's territory.

13 Sec. 324A.125. DISPOSITION OF DISTRICT ASSETS AND DEBTS.

14 (a) If the district is dissolved, the board shall administer the
15 assets and debts until all money has been disposed of and all
16 district debts have been paid or settled.

17 (b) The district is dissolved when all money has been
18 disposed of and all district debts have been paid or settled.

19 SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

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

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

26 SECTION 2. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

C.S.S.B. No. 234

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2015.