

By: Zaffirini
(Cyrier)

S.B. No. 965

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to designate a county water recreation safety zone along certain rivers; authorizing a fee.

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 328 to read as follows:

CHAPTER 328. COUNTY WATER RECREATION SAFETY ZONE ALONG CERTAIN RIVERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 328.001. APPLICABILITY. This chapter applies only to a county that borders or includes all or part of a river with headwaters located on the campus of an institution of the Texas State University System.

Sec. 328.002. DEFINITIONS. In this chapter:

(1) "Fee" means a county water recreation safety zone fee authorized by Subchapter C.

(2) "Fund" means a county water recreation safety zone fund created under Subchapter C.

(3) "Water-oriented recreational equipment" means recreational equipment intended for use on a river or other body of water, including a canoe, tube, raft, boat, or kayak.

(4) "Zone" means a county water recreation safety zone designated under Subchapter B.

1 SUBCHAPTER B. DESIGNATION OF COUNTY WATER RECREATION SAFETY ZONE

2 Sec. 328.021. AUTHORITY TO DESIGNATE ZONE. (a) The
3 commissioners court of a county may designate a contiguous
4 geographic area located in the county that is adjacent to and
5 includes all or part of a river described by Section 328.001 as a
6 county water recreation safety zone.

7 (b) The commissioners court of a county may not designate a
8 zone under this subchapter unless the commissioners court first
9 complies with the requirements of Sections 328.023, 328.024,
10 328.025, and 328.026.

11 Sec. 328.022. PURPOSE OF ZONE. A county may designate a
12 zone only for the purpose of improving the public health, safety,
13 and welfare of:

14 (1) residents of the zone; and

15 (2) individuals who engage in recreational activities
16 in, on, or along a river described by Section 328.001 that is
17 located in the zone.

18 Sec. 328.023. PROPOSAL TO DESIGNATE ZONE. (a) The
19 commissioners court of a county:

20 (1) may propose the designation of a zone on the
21 commissioners court's own motion; and

22 (2) shall propose the designation of a zone if the
23 county clerk receives a written petition for the designation signed
24 by a number of registered voters of the county equal to at least
25 five percent of the votes received in the county in the most recent
26 gubernatorial general election.

27 (b) A proposal described by Subsection (a) must describe the

1 boundaries of the proposed zone with sufficient definiteness to
2 identify with ordinary and reasonable certainty the area included
3 in the zone.

4 Sec. 328.024. PRELIMINARY PLAN FOR FEES. Before conducting
5 a public hearing under Section 328.025, the commissioners court
6 must prepare a preliminary plan for the use of zone fees that the
7 county may impose.

8 Sec. 328.025. PUBLIC HEARING. (a) A commissioners court
9 that adopts a proposal to designate a zone must hold a public
10 hearing on the proposal and the preliminary plan for fees at which
11 members of the public are given the opportunity to be heard.

12 (b) The commissioners court must hold the hearing not
13 earlier than the 20th day or later than the 40th day after the date
14 the commissioners court adopts the proposal designating the zone.

15 (c) The county must publish notice of the public hearing in
16 a newspaper of general circulation in the county at least once each
17 week during the two weeks preceding the date of the hearing.

18 Sec. 328.026. ELECTION. (a) Following the public hearing
19 held under Section 328.025, the commissioners court shall order an
20 election on the question of designating the zone if the
21 commissioners court finds that the designation will serve the
22 purpose prescribed by Section 328.022.

23 (b) A commissioners court that orders an election under this
24 section must order the election to be held on the first uniform
25 election date that falls on or after the 78th day after the date the
26 public hearing is held.

27 (c) The order calling the election must allow voters in the

1 county to vote for or against the designation of the proposed zone.

2 (d) A county that holds an election under this section must
3 hold the election in the same manner as a general election of the
4 county.

5 Sec. 328.027. DESIGNATION OF ZONE. (a) The commissioners
6 court of a county in which the voters approve the designation of the
7 zone at an election held under this subchapter shall designate the
8 area as a zone.

9 (b) Not later than the fifth day after the date the
10 commissioners court adopts the order described by Section 328.026,
11 the county must send notice of the designation to the commissioners
12 court of each county authorized to designate a zone under this
13 chapter.

14 SUBCHAPTER C. COUNTY WATER RECREATION SAFETY ZONE FEE

15 Sec. 328.041. COUNTY WATER RECREATION SAFETY ZONE FEE.

16 (a) A commissioners court that has designated a zone under
17 Subchapter B may impose a county water recreation safety zone fee in
18 the zone as provided by this section.

19 (b) The commissioners court may impose the fee on:

20 (1) the rental of water-oriented recreational
21 equipment;

22 (2) the provision of shuttle service related to
23 water-oriented recreational activities:

24 (A) in the zone; or

25 (B) into or out of the zone; and

26 (3) a service for ingress or egress to a river
27 described by Section 328.001 that is located in the zone.

1 (c) The commissioners court may impose different fee rates
2 for different types of water-oriented recreational equipment or
3 services for which the county is authorized to impose the fee. The
4 commissioners court may not impose the fee at a rate greater than
5 four dollars per person for each:

6 (1) rental of water-oriented recreational equipment
7 in the zone; or

8 (2) if the person does not rent water-oriented
9 recreational equipment in the zone:

10 (A) use of a shuttle service described by
11 Subsection (b)(2); or

12 (B) service for ingress or egress to a river
13 described by Section 328.001 that is located in the zone.

14 (d) The commissioners court by order shall establish:

15 (1) procedures and deadlines for a person who collects
16 a fee under this subchapter to report and remit the fee;

17 (2) penalties and interest for failure to timely remit
18 a fee collected under this subchapter; and

19 (3) any other requirement necessary for the
20 administration of the fee imposed under this section.

21 Sec. 328.042. EXEMPTION. A county may not impose the fee
22 authorized by this subchapter on a transaction to which the United
23 States or this state is a party.

24 Sec. 328.043. COLLECTION AND REMITTANCE OF FEE. (a) A
25 person who rents water-oriented recreational equipment under
26 Section 328.041(b)(1) to another person or who provides a service
27 described by Section 328.041(b)(2) or (3) to that person shall

1 collect the fee imposed under this subchapter from the other person
2 and shall report and remit the fee to the county in the manner
3 prescribed by the county.

4 (b) A person responsible for collecting the fee is liable to
5 the county for the amount of the fee required to be collected under
6 this section.

7 Sec. 328.044. COUNTY WATER RECREATION SAFETY ZONE FUND.

8 (a) A county in which the commissioners court has designated a
9 zone under Subchapter B must create and maintain a county water
10 recreation safety zone fund as a separate account in a depository
11 authorized to accept deposits of county public funds.

12 (b) The county shall deposit all fee revenue remitted to the
13 county under this subchapter to the credit of the fund.

14 (c) A county may not use fee revenue deposited to the credit
15 of the fund for a purpose other than the purpose prescribed by
16 Section 328.045.

17 Sec. 328.045. USE OF FEE REVENUE. A county may use fee
18 revenue deposited in the fund only to employ or contract with
19 additional peace officers, as defined by Article 2.12, Code of
20 Criminal Procedure, to provide law enforcement in the zone.

21 SUBCHAPTER D. DISSOLUTION OF ZONE

22 Sec. 328.061. DISSOLUTION OF ZONE. (a) The commissioners
23 court of a county that has designated a zone under Subchapter B:

24 (1) may propose the dissolution of the zone on the
25 commissioners court's own motion; and

26 (2) shall propose the dissolution of the zone if the
27 county clerk receives a written petition for the dissolution of the

1 zone signed by a number of the registered voters of the county equal
2 to at least 10 percent of the votes received in the county in the
3 most recent gubernatorial general election.

4 (b) A commissioners court that adopts a proposal for the
5 dissolution of a zone must hold a public hearing on the proposal in
6 the manner prescribed by Section 328.025.

7 (c) After the public hearing, the commissioners court shall
8 order the dissolution of the zone if the commissioners court finds
9 that the dissolution is in the best interest of the county.

10 SUBCHAPTER E. EXPIRATION OF AUTHORITY TO DESIGNATE ZONE

11 Sec. 328.081. EXPIRATION OF AUTHORITY TO DESIGNATE ZONE. A
12 commissioners court may not designate a zone under this chapter
13 after August 31, 2019, if the commissioners court has not
14 designated a zone before that date.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.