

1-1 By: Zaffirini S.B. No. 965
1-2 (In the Senate - Filed February 21, 2017; March 1, 2017,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; May 2, 2017, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0,
1-6 1 present not voting; May 2, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10				X
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 965 By: Bettencourt

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the authority of certain counties to designate a county
1-20 water recreation safety zone along certain rivers; authorizing a
1-21 fee.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle B, Title 10, Local Government Code, is
1-24 amended by adding Chapter 328 to read as follows:

1-25 CHAPTER 328. COUNTY WATER RECREATION SAFETY ZONE ALONG CERTAIN
1-26 RIVERS

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 328.001. APPLICABILITY. This chapter applies only to
1-29 a county that borders a river or that includes all or part of a river
1-30 that is the habitat of several federally listed endangered species,
1-31 including Texas Wild-rice (Zizania texana) and the Fountain Darter
1-32 (Etheostoma fonticola).

1-33 Sec. 328.002. DEFINITIONS. In this chapter:

1-34 (1) "Fee" means a county water recreation safety zone
1-35 fee authorized by Subchapter C.

1-36 (2) "Fund" means a county water recreation safety zone
1-37 fund created under Subchapter C.

1-38 (3) "Water-oriented recreational equipment" means
1-39 recreational equipment intended for use on a river or other body of
1-40 water, including a canoe, tube, raft, boat, or kayak.

1-41 (4) "Zone" means a county water recreation safety zone
1-42 designated under Subchapter B.

1-43 SUBCHAPTER B. DESIGNATION OF COUNTY WATER RECREATION SAFETY ZONE

1-44 Sec. 328.021. AUTHORITY TO DESIGNATE ZONE. The
1-45 commissioners court of a county may designate a contiguous
1-46 geographic area located in the county that is adjacent to and
1-47 includes all or part of a river described by Section 328.001 as a
1-48 county water recreation safety zone.

1-49 Sec. 328.022. PURPOSE OF ZONE. A county may designate a
1-50 zone only for the purpose of improving the public health, safety,
1-51 and welfare of:

1-52 (1) residents of the zone; and

1-53 (2) individuals who engage in recreational activities
1-54 in, on, or along a river described by Section 328.001 that is
1-55 located in the zone.

1-56 Sec. 328.023. PROPOSAL TO DESIGNATE ZONE. (a) The
1-57 commissioners court of a county:

1-58 (1) may propose the designation of a zone on the
1-59 commissioners court's own motion; and

1-60 (2) shall propose the designation of a zone if the

2-1 county clerk receives a written petition for the designation signed
2-2 by a number of registered voters of the county equal to at least
2-3 five percent of the votes received in the county in the most recent
2-4 gubernatorial general election.

2-5 (b) A proposal described by Subsection (a) must describe the
2-6 boundaries of the proposed zone with sufficient definiteness to
2-7 identify with ordinary and reasonable certainty the area included
2-8 in the zone.

2-9 Sec. 328.024. PRELIMINARY PLAN FOR FEES. Before conducting
2-10 a public hearing under Section 328.025, the commissioners court
2-11 must prepare a preliminary plan for the use of zone fees that the
2-12 county may impose.

2-13 Sec. 328.025. PUBLIC HEARING. (a) A commissioners court
2-14 that adopts a proposal to designate a zone must hold a public
2-15 hearing on the proposal and the preliminary plan for fees at which
2-16 members of the public are given the opportunity to be heard.

2-17 (b) The commissioners court must hold the hearing not
2-18 earlier than the 20th day or later than the 40th day after the date
2-19 the commissioners court adopts the proposal designating the zone.

2-20 (c) The county must publish notice of the public hearing in
2-21 a newspaper of general circulation in the county at least once each
2-22 week during the two weeks preceding the date of the hearing.

2-23 Sec. 328.026. ELECTION. (a) Following the public hearing
2-24 held under Section 328.025, the commissioners court may order an
2-25 election on the question of designating the zone if the
2-26 commissioners court finds that the designation will serve the
2-27 purpose prescribed by Section 328.022.

2-28 (b) A commissioners court that orders an election under this
2-29 section must order the election to be held on the first uniform
2-30 election date that falls on or after the 78th day after the date the
2-31 public hearing is held.

2-32 (c) The order calling the election must allow voters in the
2-33 county to vote for or against the designation of the proposed zone.

2-34 (d) A county that holds an election under this section must
2-35 hold the election in the same manner as a general election of the
2-36 county.

2-37 Sec. 328.027. DESIGNATION OF ZONE. (a) The commissioners
2-38 court of a county in which the voters approve the designation of the
2-39 zone at an election held under this subchapter shall designate the
2-40 area as a zone.

2-41 (b) Not later than the fifth day after the date the
2-42 commissioners court adopts the order described by Section 328.026,
2-43 the county must send notice of the designation to the commissioners
2-44 court of each county authorized to designate a zone under this
2-45 chapter.

2-46 SUBCHAPTER C. COUNTY WATER RECREATION SAFETY ZONE FEE

2-47 Sec. 328.041. COUNTY WATER RECREATION SAFETY ZONE FEE.

2-48 (a) A commissioners court that has designated a zone under
2-49 Subchapter B may impose a county water recreation safety zone fee in
2-50 the zone as provided by this section.

2-51 (b) The commissioners court may impose the fee on:

2-52 (1) the rental of water-oriented recreational
2-53 equipment;

2-54 (2) the provision of shuttle service related to
2-55 water-oriented recreational activities:

2-56 (A) in the zone; or

2-57 (B) into or out of the zone; and

2-58 (3) a service for ingress or egress to a river
2-59 described by Section 328.001 that is located in the zone.

2-60 (c) The commissioners court may impose different fee rates
2-61 for different types of water-oriented recreational equipment or
2-62 services for which the county is authorized to impose the fee. The
2-63 commissioners court may not impose the fee at a rate greater than
2-64 four dollars per person for each:

2-65 (1) rental of water-oriented recreational equipment
2-66 in the zone; or

2-67 (2) if the person does not rent water-oriented
2-68 recreational equipment in the zone:

2-69 (A) use of a shuttle service described by

3-1 Subsection (b)(2); or
3-2 (B) service for ingress or egress to a river
3-3 described by Section 328.001 that is located in the zone.

3-4 (d) The commissioners court by order shall establish:
3-5 (1) procedures and deadlines for a person who collects
3-6 a fee under this subchapter to report and remit the fee;
3-7 (2) penalties and interest for failure to timely remit
3-8 a fee collected under this subchapter; and
3-9 (3) any other requirement necessary for the
3-10 administration of the fee imposed under this section.

3-11 Sec. 328.042. EXEMPTION. A county may not impose the fee
3-12 authorized by this subchapter on a transaction to which the United
3-13 States or this state is a party.

3-14 Sec. 328.043. COLLECTION AND REMITTANCE OF FEE. (a) A
3-15 person who rents water-oriented recreational equipment under
3-16 Section 328.041(b)(1) to another person or who provides a service
3-17 described by Section 328.041(b)(2) or (3) to that person shall
3-18 collect the fee imposed under this subchapter from the other person
3-19 and shall report and remit the fee to the county in the manner
3-20 prescribed by the county.

3-21 (b) A person responsible for collecting the fee is liable to
3-22 the county for the amount of the fee required to be collected under
3-23 this section.

3-24 Sec. 328.044. COUNTY WATER RECREATION SAFETY ZONE FUND.
3-25 (a) A county in which the commissioners court has designated a
3-26 zone under Subchapter B must create and maintain a county water
3-27 recreation safety zone fund as a separate account in a depository
3-28 authorized to accept deposits of county public funds.

3-29 (b) The county shall deposit all fee revenue remitted to the
3-30 county under this subchapter to the credit of the fund.

3-31 (c) A county may not use fee revenue deposited to the credit
3-32 of the fund for a purpose other than the purpose prescribed by
3-33 Section 328.045.

3-34 Sec. 328.045. USE OF FEE REVENUE. A county may use fee
3-35 revenue deposited in the fund only to employ or contract with
3-36 additional peace officers, as defined by Article 2.12, Code of
3-37 Criminal Procedure, to provide law enforcement in the zone.

3-38 SUBCHAPTER D. DISSOLUTION OF ZONE

3-39 Sec. 328.061. DISSOLUTION OF ZONE. (a) The commissioners
3-40 court of a county that has designated a zone under Subchapter B:

3-41 (1) may propose the dissolution of the zone on the
3-42 commissioners court's own motion; and

3-43 (2) shall propose the dissolution of the zone if the
3-44 county clerk receives a written petition for the dissolution of the
3-45 zone signed by a number of the registered voters of the county equal
3-46 to at least 10 percent of the votes received in the county in the
3-47 most recent gubernatorial general election.

3-48 (b) A commissioners court that adopts a proposal for the
3-49 dissolution of a zone must hold a public hearing on the proposal in
3-50 the manner prescribed by Section 328.025.

3-51 (c) After the public hearing, the commissioners court shall
3-52 order the dissolution of the zone if the commissioners court finds
3-53 that the dissolution is in the best interest of the county.

3-54 SECTION 2. This Act takes effect immediately if it receives
3-55 a vote of two-thirds of all the members elected to each house, as
3-56 provided by Section 39, Article III, Texas Constitution. If this
3-57 Act does not receive the vote necessary for immediate effect, this
3-58 Act takes effect September 1, 2017.

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