

BILL ANALYSIS

C.S.S.B. 234
By: Zaffirini
Special Purpose Districts
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A three-mile stretch of the San Marcos River, east of the city of San Marcos, is visited by thousands of tubers and recreational users each year. The number of visitors to the river, especially for tubing, has increased substantially in recent years as the population in the area has grown. This particular section of the river does not lie within an incorporated area and forms the border between Caldwell and Guadalupe counties. Interested parties contend that the county governments do not have sufficient resources to consistently station police officers along the river to enforce existing state regulations

C.S.S.B. 234 would allow voters in Caldwell and Guadalupe counties to create a special recreation district along the section of the San Marcos River that forms the border between the two counties. If created, the district would be authorized to enact reasonable ordinances related to the protection of the health and safety of the river and its users. The district also would be authorized to collect a fee from persons who rent equipment or use shuttle services for river use. Revenue collected by the district would be used to pay for necessary law enforcement and cleanup services.

C.S.S.B. 234 amends current law 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; creates a criminal offense; and provides penalties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subtitle B, Title 10, Local Government Code, by adding Chapter 324A, as follows:

CHAPTER 324A. PARK AND RECREATION DISTRICTS IN CERTAIN COUNTIES ON SAN MARCOS RIVER

Sets forth standard language for the creation and operation of a park and recreation district in certain counties on the San Marcos River. Sets forth standards, procedures, requirements, and criteria for:

General provisions and creation and approval of the district, including provisions related to eligible counties and territory; definitions; creation elections required; hearing; order of election; election and result; and costs of creation and organization (Sections 324A.001-324A.002 and Sections 324A.021-324A.025);

Board of directors of the district, including provisions related to appointment of board members and terms; qualifications; vacancies; oath and bond; compensation and reimbursement; quorum and majority vote; approval of commissioners court; and organization and meetings (Sections 324A.041-324A.048);

Powers and duties of the district, including provisions related to depositories and disbursements; administration; seal; contracts; suits; district rules and ordinances and criminal penalty; enforcement; bond; health and safety services; water quality; grants and gratuities; district as trustee; management plan, annual budget and filing; and no eminent domain power (Sections 324A.061-324A.074);

Fees, bonds and financial provisions of the district, including provisions related to no ad valorem taxes; fees for equipment rentals and shuttle service, revenue permits, and criminal penalty; fee exemption; revenue bond election; revenue bonds; bond anticipation notes; refunding bonds; repayment of bonds through fee revenue; financial statement and budget; and disposition of revenue (Sections 324A.091-324A.100); and

Incorporation, annexation, dissolution, and miscellaneous provisions of the district, including provisions related to effect of incorporation or annexation; disannexation; dissolution of district by commissioners courts; dissolution of district by board; disposition of district assets and debts; requirements for rental of water-oriented recreational equipment (Sections 324A.121-324A.125 and Section 324A.901).

SECTION 2. Provides for the effective date of this Act.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2015.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.S.B 234 differs from the original by deleting Section 324A.001(c), under Subtitle B, Title 10, Local Government Code, Chapter 324A, Subchapter A, contained in the original bill that prohibits the territory of a district created under this chapter from including territory outside of the creating counties initially, but authorizes the district to annex territory outside the counties under Section 324A.121.

C.S.S.B 234 differs from the original by deleting in its entirety Section 324A.121, under Subtitle B, Title 10, Local Government Code, Chapter 324A, Subchapter F, contained in the original bill that provides for the following:

Sec. 324A.121. ANNEXATION. (a) The voters of an area that is contiguous to a district and is in a county election precinct that borders the San Marcos River may file a petition with the board to annex the area to the district.

(b) The petition must contain an accurate description of the area proposed for annexation by reference to county election precinct boundaries, by metes and bounds, by lot and block number if there is a recorded map or plat and survey of the area, or by other sufficient legal description.

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

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

(e) After holding the hearing, the board may by order annex the area only if the board finds that the annexation promotes the purposes for which the district was created.

(f) If the board annexes territory into the district located in a county other than the counties in which the district was located on the date of the district's creation, the commissioners court of the new county may appoint two members to the district's board in addition to the members appointed under Section 324A.041. If two additional board members are appointed under this subsection:

(1) the additional board members shall draw lots to determine which member serves an initial one-year term and which member serves an initial two-year term; and

(2) the additional board members may participate in selecting the board member under Section 324A.041(c).

C.S.S.B. 234 makes conforming changes to section references and numbering that differ from such conforming changes in the original bill.