

CHAPTER 100

S.B. No. 618

An Act relating to the acquisition, development, maintenance, and financing of parks and recreational facilities for municipal utility districts; authorizing certain fees; amending Chapter 54, Water Code, by adding Subchapter I and by amending Subsection (b), Section 54.201, and Section 54.501.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 54, Water Code, is amended by adding Subchapter I to read as follows:

“SUBCHAPTER I. RECREATIONAL FACILITIES

“Section 54.771. POLICY AND PURPOSE. (a) The legislature finds that:

“(1) the provision of parks and recreational facilities is necessary and desirable for the health and well-being of the people of this state;

“(2) it is the policy of the state and the purpose of this subchapter to encourage the people in municipal utility districts to provide parks and recreational facilities for their use and benefit;

“(3) within constitutional limitations, the power to enact laws vested in the legislature by Article III, Section 1, of the Texas Constitution is supreme;

“(4) there is no constitutional inhibition that would prohibit the legislature from authorizing municipal utility districts to acquire, own, develop, construct, improve, manage, operate, and maintain parks and recreational facilities; and

“(5) the general legislative power alone is adequate to support the enactment of this subchapter without reference to any specific constitutional authorization.

“(b) This subchapter is cumulative of other laws governing municipal utility districts and is not limited by a provision of any other law. This subchapter provides complete authority to a municipal utility district to develop and maintain recreational facilities.

“Section 54.772. DEFINITIONS. As used in this subchapter:

“(1) ‘Recreational facilities’ means parks and recreational equipment and facilities.

“(2) ‘Develop and maintain’ means to acquire, own, develop, construct, improve, manage, maintain, and operate.

“Section 54.773. AUTHORIZATION OF RECREATIONAL FACILITIES. In addition to the other purposes for which a district is created, a district is created for the purpose of developing and maintaining recreational facilities for the people in the district. A district is authorized to accomplish this purpose as provided in this subchapter.

“Section 54.774. ACQUISITION OF AND PAYMENT FOR RECREATIONAL FACILITIES. (a) A district may not issue bonds to pay for the development and maintenance of recreational facilities.

“(b) Except as provided in Subsection (a) of this section, a district may acquire recreational facilities and obtain funds to develop and maintain them in the same manner as authorized elsewhere in this code for the acquisition, development, and maintenance of other facilities of the district. Without limiting the foregoing, a district may charge fees directly to the users of recreational facilities to pay for all or part of the cost of their development and maintenance.

“Section 54.775. STANDARDS. The board shall adopt rules establishing standards for recreational facilities to be developed and maintained by a district and for the allocation of a district’s funds for developing and maintaining recreational facilities in relation to a district’s financial requirements for other purposes. In order to prevent the duplication of recreational facilities provided by other governmental entities, rules adopted by the board pursuant to this subsection shall require a district, prior to developing recreational facilities, to make findings that the size and location of the facilities have been established in consideration of municipal or county recreational facilities, whether existing or proposed, serving the area in which the district is located.”

SECTION 2. Subsection (b), Section 54.201, Water Code, is amended to read as follows:

“(b) A district is authorized to purchase, construct, acquire, own, operate, maintain, repair, improve, or extend inside and outside its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary to accomplish the purposes of its creation, including all works, improvements, facilities, plants, equipment, and appliances incident, helpful, or necessary to:

“(1) supply water for municipal uses, domestic uses, power, and commercial purposes and all other beneficial uses or controls;

“(2) collect, transport, process, dispose of, and control all domestic, industrial, or communal wastes whether in fluid, solid, or composite state;

“(3) gather, conduct, divert, and control local storm water or other local harmful excesses of water in a district;

“(4) irrigate the land in a district;

“(5) alter land elevation in a district where it is needed;

“(6) navigate coastal and inland waters of the district; and

“(7) provide parks and recreational facilities for the inhabitants in the district, *subject to Subchapter I of this chapter.*”

SECTION 3. Section 54.501, Water Code, is amended to read as follows:

“Section 54.501. **ISSUANCE OF BONDS.** The district may issue its bonds for the purpose of purchasing, constructing, acquiring, owning, operating, repairing, improving, or extending any district works, improvements, facilities, plants, equipment, and appliances needed to accomplish the purposes set forth in Section 54.012 of this code for which a district shall be created, including works, improvements, facilities, plants, equipment, and appliances needed to provide a waterworks system, sanitary sewer system, storm sewer system, and solid waste disposal system [~~; or to provide parks and recreation facilities~~].”

SECTION 4. All actions taken by a municipal utility district in developing and maintaining parks and recreational facilities before September 1, 1985, are validated.

SECTION 5. This Act takes effect on September 1, 1985.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 18, 1985, by a viva-voce vote; Senate concurred in House amendment on April 24, 1985, by a viva-voce vote; passed the House, with amendment, on April 18, 1985, by a non-record vote.

Approved: May 13, 1985

Effective: September 1, 1985