

CHAPTER 409

S.B. No. 586

AN ACT

relating to the authority of the Harris County Flood Control District to provide for or participate in the development, operation, and maintenance of certain recreational and environmental improvements in connection with flood control facilities and projects.

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

SECTION 1. RECREATIONAL AND ENVIRONMENTAL IMPROVEMENTS. (a) The Harris County Flood Control District, in connection with flood control facilities and projects, may provide for or participate in the development, operation, or maintenance of:

- (1) linear parks along drainage courses maintained and operated by the district;
- (2) hike and bike trails;

(3) nonenclosed recreational facilities, including game fields and playgrounds; and

(4) other environmental improvements, including public or private nature reserves or wildlife habitat restoration and improvement projects.

(b) In order to carry out the purposes of Subsection (a) of this section, the district may execute contracts or enter into cooperative agreements with:

(1) the federal government, a federal agency, or a federally sponsored organization;

(2) the state, a state agency, a political subdivision of the state, or any unit of local government;

(3) a nonprofit corporation or foundation;

(4) a private individual or corporation; or

(5) a public service organization or neighborhood association.

(c) The district may use property, rights-of-way, easements, or other land owned or managed by or otherwise available to the district for the purposes of Subsection (a) of this section.

(d) The use by the district of any property owned or managed by or otherwise available to the district for the purposes of Subsection (a) of this section is determined to be consistent with the use of that property for flood control purposes if the improvements do not significantly impede the flow of floodwaters or reduce the carrying capacity of the drainage facilities of the district.

(e) The district shall exercise its powers and use its property under this section:

(1) in an environmentally sensitive and aesthetically pleasing manner that promotes public health, safety, and welfare;

(2) in compliance with all state and federal requirements, including requirements imposed by law, by rule or regulation, by grant conditions, or by program standards; and

(3) in a manner that qualifies for any reasonably available source of funding for the improvements to be made.

(f) The district may spend its own funds for the purposes of this section. The capital cost to the district of parks, trails, facilities, and improvements under this section may not exceed five percent of the total cost of the flood control facilities and projects with which the improvements are associated. This section does not limit the expenditure of funds from sources other than taxes collected by the district.

(g) The exercise of powers, expenditure of funds, and use of property by the district under this section are subject to the control and discretion of the commissioners court.

SECTION 2. EMERGENCY. 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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 18, 1993: Yeas 29, Nays 0; passed the House on May 21, 1993, by a non-record vote.

Approved June 6, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.