

## **BILL ANALYSIS**

S.B. 965  
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Culture, Recreation & Tourism  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the use of a certain river for recreational activities. Interested parties contend that the applicable county governments lack sufficient resources to consistently station police officers on and along the river to enforce existing state regulations. S.B. 965 seeks to address this issue by authorizing a commissioners court of an applicable county to designate a county water recreation safety zone for the purpose of improving the public health, safety, and welfare of residents in the zone and individuals who engage in, on, or along the river in the zone.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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**

S.B. 965 amends the Local Government Code to authorize the commissioners court of 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 to designate a contiguous geographic area located in the county that is adjacent to and includes all or part of the river as a county water recreation safety zone. The bill specifies that such a county may designate a zone only for the purpose of improving the public health, safety, and welfare of residents of the zone and individuals who engage in recreational activities in, on, or along the applicable river that is located in the zone. The bill authorizes the commissioners court of such a county to propose the designation of a county water recreation safety zone on the commissioners court's own motion and requires the commissioners court to propose the designation of a zone if the county clerk receives a written petition for the designation signed by a number of registered voters of the county equal to at least five percent of the votes received in the county in the most recent gubernatorial general election. The bill requires the proposal to describe the boundaries of the proposed county water recreation safety zone with sufficient definiteness to identify with ordinary and reasonable certainty the area included in the zone.

S.B. 965 requires a commissioners court, before conducting a public hearing on the proposed county water recreation safety zone designation as required by the bill, to prepare a preliminary plan for the use of zone fees that the county may impose. The bill requires a commissioners court that adopts a proposal to designate a county water recreation safety zone, not earlier than the 20th day or later than the 40th day after the date the commissioners court adopts the proposal, to hold a public hearing on the proposal and the preliminary plan for fees at which members of the

public are given the opportunity to be heard. The bill requires the county to publish notice of the public hearing in a newspaper of general circulation in the county at least once each week during the two weeks preceding the date of the hearing.

S.B. 965 requires the commissioners court, following the public hearing, to order an election on the question of designating the zone if the commissioners court finds that the designation will serve the purposes prescribed by the bill and sets out certain requirements relating to the election. The bill prohibits the commissioners court of a county from designating a county water recreation safety zone unless the commissioners court first complies with the bill's requirements regarding the proposal to designate a zone, the preliminary plan for the use of zone fees, the public hearing, and the election. The bill requires the commissioners court of a county in which the voters approve the designation of the county water recreation safety zone at such an election to designate the area as such a zone and requires the county, not later than the fifth day after the date the commissioners court adopts the election order, to send notice of the designation to the commissioners court of each county authorized to designate a zone under the bill's provisions.

S.B. 965 authorizes a commissioners court that has designated a county water recreation safety zone to impose a county water recreation safety zone fee in the zone on the rental of water-oriented recreational equipment, the provision of shuttle service related to water-oriented recreational activities in the zone or into or out of the zone, and a service for ingress or egress to an applicable river that is located in the zone. The bill authorizes the commissioners court to impose different fee rates for different types of water-oriented recreational equipment or services for which the county is authorized to impose the fee but prohibits the commissioners court from imposing the fee at a rate greater than four dollars per person for each rental of water-oriented recreational equipment in the county water recreation safety zone or, if the person does not rent water-oriented recreational equipment in the zone, for each use of such a shuttle service or service for ingress or egress to an applicable river that is located in the zone. The bill requires the commissioners court by order to establish procedures and deadlines for a person who collects a fee under the bill's provisions to report and remit the fee, to establish penalties and interest for failure to timely remit a fee so collected, and to establish any other requirement necessary for the administration of the fee. The bill prohibits an applicable county from imposing the fee on a transaction to which the United States or the state is a party.

S.B. 965 requires a person who rents water-oriented rental equipment to another person under the bill's provisions or who provides a shuttle service or a service for ingress or egress to that person under the bill's provisions to collect the fee from the other person and to report and remit the fee to the county in the manner prescribed by the county. The bill makes a person responsible for collecting the fee liable to the county for the amount of the fee required to be so collected. The bill requires a county in which the commissioners court has designated a county water recreation safety zone to create and maintain a county water recreation safety zone fund as a separate account in a depository authorized to accept deposits of county public funds and to deposit all fee revenue remitted to the county under the bill's provisions to the credit of the fund. The bill prohibits a county from using fee revenue deposited to the credit of the fund for a purpose other than to employ or contract with additional peace officers to provide law enforcement in the county water recreation safety zone. The bill provides for the manner by which a county water recreation safety zone may be dissolved and prohibits a commissioners court that has not designated a zone before August 31, 2019, from designating a zone after that date.

#### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.