PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Water Code
Subtitle G, Chapter 39
10/7/25

SECTION _____._____. (a) Title 2, Water Code, is amended by adding Subtitle G, and a heading is added to that subtitle to read as follows:

SUBTITLE G. PUBLIC RECREATION

(b) Chapter 25, Parks and Wildlife Code, is transferred to Subtitle G, Title 2, Water Code, as added by this section, redesignated as Chapter 39, Water Code, and amended to read as follows:

CHAPTER 39 [~~25~~]. PUBLIC RECREATION [~~WATER DISTRICT AND RIVER AUTHORITY PARKS~~]

Sec. 39.001 [~~25.001~~]. [~~STATE~~] POLICY, INTENT, AND[~~, LEGISLATIVE~~] FINDINGS. (a) The policy of the legislature and the intent of this chapter are to encourage the conservation and development of water in the state and water-related land areas for public recreation.

(b) The legislature finds that:

(1) [~~that~~] the use of water resources in the state for public recreation is a useful purpose;

(2) [~~that~~] the conservation and development of water resources for public recreation purposes are public rights and duties; and

(3) [~~that~~] the acquisition and improvement of land areas related to water resources for public recreation purposes are essential to the maximum beneficial use of water resources for public recreation purposes.

Sec. 39.002 [~~25.002~~]. DEFINITION. In this chapter, "district" means a district or authority created under Article XVI,

Section 59, of the Constitution of Texas.

Sec. 39.003 [~~25.003~~]. GENERAL POWERS AND DUTIES. (a) Each district shall:

(1) conserve and develop water resources in this state for public recreation purposes in compliance with this title [~~the provisions of Title 2, Water Code~~]; and

(2) acquire and improve for park purposes any lands adjacent to or in the vicinity of any public water or any other impounded water available to the public if the governing body of the district finds that the acquisition or improvement is necessary or desirable to enhance the beneficial use of the [~~such~~] water for public recreation purposes.

(b) A finding under Subsection (a)(2) [~~Subdivision (2) of Subsection (a) of this section~~] is conclusive.

Sec. 39.004 [~~25.004~~]. DISTRICT POWERS [~~RULES; FEES; ABANDONMENT OF PROJECTS~~]. (a) A district may:

(1) adopt and enforce reasonable rules relating to the use, operation, management, administration, and policing of its water-related park areas as it considers appropriate;

(2) fix, impose, and collect reasonable fees, tolls, rents, rates, and charges for entry to and use of water-related park areas and their facilities as necessary or desirable; [~~and~~]

(3) abandon the use of all or [~~any~~] part of any public recreation project authorized by this chapter; and

(4) [~~.~~

[~~Sec. 25.005. LEASES, CONCESSIONS, FRANCHISES, AND AGREEMENTS. A district may~~] make, grant, accept, and enter into leases, concessions, franchises, and rental, operating, and other agreements relating to the water-related park areas or their facilities:

(A) that the governing body deems necessary or convenient to carry out any of the purposes and powers granted in this chapter; and

(B) on the terms and conditions and for the

periods of time as may be prescribed.

(b) The district may enter into a lease, concession, franchise, or agreement under Subsection (a)(4) [~~may be entered into~~] with any person.

Sec. 39.005 [~~25.006~~]. [~~USE OF~~] OTHER POWERS OF DISTRICT. (a) Except as provided by Subsection (b) [~~of this section~~], to accomplish the purposes of this chapter, each district has the same powers, authority, rights, privileges, and modes of procedure [~~as are~~] provided by applicable law to accomplish any other corporate purpose.

(b) A district may:

(1) exercise the powers granted by this chapter without regard to any provision, restriction, or limitation of any general or special law or specific act; and

(2) [~~may~~] exercise the powers granted by this chapter as an alternative to the powers of [~~all~~] other laws relating to the same subject or combine those powers in whole or in part.

(c) This chapter does not authorize:

(1) any fee or charge for boat inspection, fishing, or other activity on the water of the state; or

(2) the exercise of the power of eminent domain.