

BILL ANALYSIS

Senate Research Center
87R26591 SMT-D

C.S.H.B. 72
By: Reynolds et al. (Miles)
Local Government
5/21/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Fort Bend County does not have statutory authority to enact certain park use rules for its parks and should be able to enforce regulations and impose fines to discourage vandalism and other dangerous activities taking place in its parks. H.B. 72 provides Fort Bend County the authority to adopt rules concerning the use of its parks in order to make them safer for public use, excluding rules relating to fireworks, which is compromise language from past sessions with interested stakeholders.

There is a committee substitute to the bill which removes the current criminal penalties and makes it a civil penalty not to exceed \$100.

(Original Author's / Sponsor's Sstatement of Intent)

C.S.H.B. 72 amends current law relating to the power of certain counties to enact certain park use rules and changes a criminal penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 320.0455, Local Government Code, to read as follows:

Sec. 320.0455. RULES IN CERTAIN COUNTIES; PENALTY FOR VIOLATIONS.

SECTION 2. Amends Section 320.0455, Local Government Code, by amending Subsections (a), (b), and (c) and adding Subsection (b-1), as follows:

(a) Provides that Section 320.0455 applies only to certain counties, including a county with a population of 580,000 or more that is adjacent to a county with a population of 2.8 million or more. Makes nonsubstantive changes.

(b) Provides that, except as provided by Subsection (b-1), and subject to the approval of the commissioners court, the board of park commissioners (board) is authorized to adopt reasonable rules concerning the use of any park administered by the board.

(b-1) Prohibits a board created for a county described by Subsection (a)(2) from adopting rules relating to the use of fireworks.

(c) Provides that a person who violates a rule approved by the commissioners court under Subsection (b) is liable to the county for a civil penalty of not more than \$100 per violation. Authorizes a county to bring suit in a district court or county court to recover a civil penalty authorized by Subsection (c). Deletes existing text providing that a person

commits an offense if the person violates a rule approved by the commissioners court under Subsection (b) and that an offense under Subsection (c) is a Class C misdemeanor.

SECTION 3. Provides that the changes in law made by this Act do not affect the pending prosecution of an offense under Section 320.0455, Local Government Code, as that section existed immediately before the effective date of this Act. Provides that an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. Provides that for purposes of Section 320.0455, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 4. Effective date: September 1, 2021.