

AN ACT

relating to the power of certain counties to enact certain park use rules; changing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Section 320.0455, Local Government Code, is amended to read as follows:

Sec. 320.0455. RULES IN CERTAIN COUNTIES [~~A POPULOUS COUNTY~~]; PENALTY FOR VIOLATIONS.

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

(a) This section applies only to a county with a population of:

(1) [~~a county with a population of~~] 2.8 million or more; [~~and~~]

(2) 580,000 or more that is adjacent to a county with a population of 2.8 million or more; or

(3) [~~a county with a population of~~] more than 410,000 and less than 455,000.

(b) Except as provided by Subsection (b-1), and subject [~~subject~~] to the approval of the commissioners court, the board may adopt reasonable rules concerning the use of any park administered by the board.

(b-1) A board created for a county described by Subsection

1 (a)(2) may not adopt rules relating to the use of fireworks.

2 (c) A person who [~~commits an offense if the person~~] violates
3 a rule approved by the commissioners court under Subsection (b) is
4 liable to the county for a civil penalty of not more than \$100 per
5 violation. A county may bring suit in a district court or county
6 court to recover a civil penalty authorized by this subsection [~~An~~
7 ~~offense under this subsection is a Class C misdemeanor~~].

8 SECTION 3. The changes in law made by this Act do not affect
9 the pending prosecution of an offense under Section [320.0455](#), Local
10 Government Code, as that section existed immediately before the
11 effective date of this Act. An offense committed before the
12 effective date of this Act is governed by the law in effect on the
13 date the offense was committed, and the former law is continued in
14 effect for that purpose. For purposes of this section, an offense
15 was committed before the effective date of this Act if any element
16 of the offense was committed before that date.

17 SECTION 4. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 72 was passed by the House on April 30, 2021, by the following vote: Yeas 108, Nays 33, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 72 on May 28, 2021, by the following vote: Yeas 104, Nays 41, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 72 was passed by the Senate, with amendments, on May 25, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor