

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1628
By: Morrison (Kolkhorst)
Water & Rural Affairs
4/30/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Several coastal counties have complained of individuals who have moved into coastal county parks, camping for extended periods of time and disposing of waste onto open beaches. There have also been complaints of massive garbage piles left by these individuals. Some have even attempted to make park campsites their permanent address and have started to receive mail. These counties are unable to effectively prevent this behavior.

H.B. 1628 would give coastal counties the authority to protect these fragile ecosystems and ensure that these parks are available to everyone who wants to enjoy them in a clean and safe manner.

Currently, Harris County has similar authority over their county parks and coastal counties have requested the same.

The committee substitute will add language to require the rules to be consistent with Chapter 352, Local Government Code. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1628 amends current law relating to the authority of coastal counties to adopt certain rules for island parks, beach parks, and public beaches, and creates a criminal offense.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the commissioners court of a county in SECTION 1 (Section 321.102, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 321, Local Government Code, by adding Subchapter E, as follows:

SUBCHAPTER E. COASTAL COUNTY ISLAND PARK, BEACH PARK, AND PUBLIC BEACH RULES

Sec. 321.101. **APPLICABILITY.** Provides that, notwithstanding Section 321.001 (Eligible Counties), this subchapter applies only to a county described by Section 321.001 and a county that borders on the Gulf of Mexico and has within its boundaries a beach that is wholly or partly operated by the county as a park or that is otherwise controlled or maintained by the county.

Sec. 321.102. **RULES.** Authorizes the commissioners court of a county by order to adopt reasonable rules on camping, access, litter, resource protection, or waste disposal if the rules:

- (1) are consistent with Chapter 352 (County Fire Protection) of this code, Chapters 61 (Use and Maintenance of Public Beaches) and 63 (Dunes), Natural Resources Code, and rules adopted under those chapters; and

(2) apply only in the following locations controlled or maintained by the county:

(A) an island park;

(B) a beach park; or

(C) any part of a public beach.

Sec. 321.103. OFFENSE. (a) Provides that a person commits an offense if the person violates a rule adopted under Section 321.102.

(b) Provides that an offense under this section is a Class C misdemeanor.

SECTION 2. Amends the heading to Chapter 321, Local Government Code, to read as follows:

CHAPTER 321. ISLAND PARKS, BEACH PARKS, AND PUBLIC BEACHES OF
COASTAL COUNTIES

SECTION 3. Effective date: September 1, 2019.