

SENATE AMENDMENTS

2nd Printing

By: Reynolds, Stephenson, Jetton

H.B. No. 72

A BILL TO BE ENTITLED

AN ACT

relating to the power of certain counties to enact certain park use rules.

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) and (b) 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 SECTION 3. This Act takes effect September 1, 2021.

ADOPTED

MAY 25 2021

Lately Saw
Secretary of the Senate

By: [Signature]

____.B. No. _____

Substitute the following for ____B. No. _____:

By: Bob Hall

C.S.H.B. No. 72

A BILL TO BE ENTITLED

AN ACT

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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.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB72 by Reynolds (Relating to the power of certain counties to enact certain park use rules; changing a criminal penalty.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

Among other provisions, the bill would remove the Class C misdemeanor offense for violating a rule set by a county commissioners court concerning the use of any park administered by the park board and would instead make a person who violated such a rule liable to the county for a civil penalty of not more than \$100 per violation.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated.

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Lost revenue from reduced fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies:

LBB Staff: JMc, LBO, AF, CMA, DPE

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 21, 2021

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB72 by Reynolds (Relating to the power of certain counties to enact certain park use rules; changing a criminal penalty.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Among other provisions, the bill would remove the Class C misdemeanor offense for violating a rule set by a county commissioners court concerning the use of any park administered by the park board and would instead make a person who violated such a rule liable to the county for a civil penalty of not more than \$100 per violation.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated.

A Class C misdemeanor is punishable by a fine of not more than \$500. In addition to the fine, punishment can include up to 180 days of deferred disposition. Lost revenue from reduced fines imposed and collected is not anticipated to have a significant fiscal impact.

Source Agencies:

LBB Staff: JMc, AF, CMA, DPE

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 20, 2021

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB72 by Reynolds (Relating to the power of certain counties to enact certain park use rules.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated.

Source Agencies:

LBB Staff: JMc, AF, DPE, CMA

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 7, 2021

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB72 by Reynolds (Relating to the power of certain counties to enact certain park use rules.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated.

Source Agencies:

LBB Staff: JMc, AF, CMA, DPE