

By: Hunter, Morales of Harris

H.B. No. 3807

A BILL TO BE ENTITLED

AN ACT

relating to the use of lifeguards and informational signs to improve safety on public beaches.

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

SECTION 1. This Act shall be known as the Je'Sani Smith Act.

SECTION 2. Section 61.065, Natural Resources Code, is amended by adding Subsection (c) to read as follows:

(c) As part of the duty under this section to clean and maintain the condition of public beaches, a municipality shall:

(1) during reasonable daylight hours for the months of March through November, provide:

(A) occupied lifeguard towers on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within the corporate boundaries; or

(B) a single occupied lifeguard tower at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within the corporate boundaries if the single tower provides an unobstructed view of both sides of the structure; and

(2) post within 100 yards of each side of each structure described by Subdivision (1) signs clearly describing the dangerous water conditions that may occur near the structure.

SECTION 3. Section 61.066, Natural Resources Code, is amended to read as follows:

1           Sec. 61.066. DUTY OF COUNTY. (a) It is the duty and  
2 responsibility of the commissioners court of any county located or  
3 bordering on the Gulf of Mexico to clean and maintain the condition  
4 of all public beaches located inside the county but outside the  
5 boundaries of any incorporated city located or bordering on the  
6 Gulf of Mexico and all public beaches owned by the county and  
7 located inside the boundaries of an incorporated city, town, or  
8 village.

9           (b) As part of the duty under this section to clean and  
10 maintain the condition of public beaches, a county shall:

11                 (1) during reasonable daylight hours for the months of  
12 March through November, provide:

13                         (A) occupied lifeguard towers on each side of  
14 each pier, jetty, or other structure that protrudes into the Gulf of  
15 Mexico that is located on a public beach described by Subsection  
16 (a); or

17                         (B) a single occupied lifeguard tower at each  
18 pier, jetty, or other structure that protrudes into the Gulf of  
19 Mexico that is located on a public beach described by Subsection (a)  
20 if the single tower provides an unobstructed view of both sides of  
21 the structure; and

22                 (2) post within 100 yards of each side of each  
23 structure described by Subdivision (1) signs clearly describing the  
24 dangerous water conditions that may occur near the structure.

25           SECTION 4. Section 61.067, Natural Resources Code, is  
26 amended by adding Subsection (a-2) to read as follows:

27           (a-2) As part of the duty under this section to clean and

1 maintain the condition of public beaches located within state  
2 parks, the department shall:

3 (1) during reasonable daylight hours for the months of  
4 March through November, provide:

5 (A) occupied lifeguard towers on each side of  
6 each pier, jetty, or other structure that protrudes into the Gulf of  
7 Mexico that is located within a state park; or

8 (B) a single occupied lifeguard tower at each  
9 pier, jetty, or other structure that protrudes into the Gulf of  
10 Mexico that is located within a state park if the single tower  
11 provides an unobstructed view of both sides of the structure; and

12 (2) post within 100 yards of each side of each  
13 structure described by Subdivision (1) signs clearly describing the  
14 dangerous water conditions that may occur near the structure.

15 SECTION 5. Subchapter A, Chapter 13, Parks and Wildlife  
16 Code, is amended by adding Section 13.023 to read as follows:

17 Sec. 13.023. LIFEGUARDS AND SIGNAGE IN CERTAIN AREAS. The  
18 department shall:

19 (1) during reasonable daylight hours for the months of  
20 March through November, provide:

21 (A) occupied lifeguard towers on each side of  
22 each pier, jetty, or other structure that protrudes into the Gulf of  
23 Mexico that is located within a state park; or

24 (B) a single occupied lifeguard tower at each  
25 pier, jetty, or other structure that protrudes into the Gulf of  
26 Mexico that is located within a state park if the single tower  
27 provides an unobstructed view of both sides of each structure; and

1           (2) post within 100 yards of each side of each  
2 structure described by Subdivision (1) signs clearly describing the  
3 dangerous water conditions that may occur near the structure.

4           SECTION 6. This Act takes effect September 1, 2021.