

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 Subsections (c) and (d) 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, as established and posted by the municipality, from Memorial Day to Labor Day, provide, or ensure that a park board created by the municipality under Chapter 306, Local Government Code, provides:

(A) occupied lifeguard towers or mobile lifeguard units 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 or mobile lifeguard unit 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

1 dangerous water conditions that may occur near the structure.

2 (d) A municipality may suspend or alter the duties imposed  
3 under Subsection (c) during dangerous weather conditions or  
4 emergency operations.

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

7 Sec. 61.066. DUTY OF COUNTY. (a) It is the duty and  
8 responsibility of the commissioners court of any county located or  
9 bordering on the Gulf of Mexico to clean and maintain the condition  
10 of all public beaches located inside the county but outside the  
11 boundaries of any incorporated city located or bordering on the  
12 Gulf of Mexico and all public beaches owned by the county and  
13 located inside the boundaries of an incorporated city, town, or  
14 village.

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

17 (1) during reasonable daylight hours, as established  
18 and posted by the county, from Memorial Day to Labor Day, provide:

19 (A) occupied lifeguard towers or mobile  
20 lifeguard units on each side of each pier, jetty, or other structure  
21 that protrudes into the Gulf of Mexico that is located on a public  
22 beach described by Subsection (a); or

23 (B) a single occupied lifeguard tower or mobile  
24 lifeguard unit at each pier, jetty, or other structure that  
25 protrudes into the Gulf of Mexico that is located on a public beach  
26 described by Subsection (a) if the single tower provides an  
27 unobstructed view of both sides of the 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           (c) A county may suspend or alter the duties imposed under  
5 Subsection (b) during dangerous weather conditions or emergency  
6 operations.

7           SECTION 4. Section 61.067, Natural Resources Code, is  
8 amended by adding Subsections (a-2) and (a-3) to read as follows:

9           (a-2) As part of the duty under this section to clean and  
10 maintain the condition of public beaches located within state  
11 parks, the department shall:

12           (1) during reasonable daylight hours, as established  
13 and posted by the department, from Memorial Day to Labor Day,  
14 provide:

15                   (A) occupied lifeguard towers or mobile  
16 lifeguard units on each side of each pier, jetty, or other structure  
17 that protrudes into the Gulf of Mexico that is located within a  
18 state park; or

19                   (B) a single occupied lifeguard tower or mobile  
20 lifeguard unit at each pier, jetty, or other structure that  
21 protrudes into the Gulf of Mexico that is located within a state  
22 park if the single tower provides an unobstructed view of both sides  
23 of the structure; and

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

27           (a-3) The department may suspend or alter the duties imposed

1 under Subsection (a-2) during dangerous weather conditions or  
2 emergency operations.

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

5 Sec. 13.023. LIFEGUARDS AND SIGNAGE IN CERTAIN AREAS. (a)  
6 The department shall:

7 (1) during reasonable daylight hours, as established  
8 and posted by the department, from Memorial Day to Labor Day,  
9 provide:

10 (A) occupied lifeguard towers or mobile  
11 lifeguard units on each side of each pier, jetty, or other structure  
12 that protrudes into the Gulf of Mexico that is located within a  
13 state park; or

14 (B) a single occupied lifeguard tower or mobile  
15 lifeguard unit at each pier, jetty, or other structure that  
16 protrudes into the Gulf of Mexico that is located within a state  
17 park if the single tower provides an unobstructed view of both sides  
18 of each structure; and

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

22 (b) The department may suspend or alter the duties imposed  
23 under Subsection (a) during dangerous weather conditions or  
24 emergency operations.

25 SECTION 6. The Parks and Wildlife Department is required to  
26 implement a provision of this Act only if the legislature  
27 appropriates money specifically for that purpose. If the

1 legislature does not appropriate money specifically for that  
2 purpose, that agency may, but is not required to, implement a  
3 provision of this Act using other appropriations available for that  
4 purpose.

5 SECTION 7. This Act takes effect September 1, 2021.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 3807 was passed by the House on April 20, 2021, by the following vote: Yeas 125, Nays 18, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3807 on May 28, 2021, by the following vote: Yeas 137, Nays 10, 1 present, not voting.

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.B. No. 3807 was passed by the Senate, with amendments, on May 25, 2021, by the following vote: Yeas 26, Nays 5.

\_\_\_\_\_  
Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor