

1-1 By: Hunter, Herrero, Morales of Harris H.B. No. 3807
 1-2 (Senate Sponsor - Hinojosa)
 1-3 (In the Senate - Received from the House April 20, 2021;
 1-4 May 6, 2021, read first time and referred to Committee on Natural
 1-5 Resources & Economic Development; May 20, 2021, reported
 1-6 adversely, with favorable Committee Substitute by the following
 1-7 vote: Yeas 7, Nays 0; May 20, 2021, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			
1-18	X			

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 3807 By: Hinojosa

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to the use of lifeguards and informational signs to
 1-23 improve safety on public beaches.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. This Act shall be known as the Je'Sani Smith Act.

1-26 SECTION 2. Section 61.065, Natural Resources Code, is
 1-27 amended by adding Subsections (c) and (d) to read as follows:

1-28 (c) As part of the duty under this section to clean and
 1-29 maintain the condition of public beaches, a municipality shall:

1-30 (1) during reasonable daylight hours, as established
 1-31 and posted by the municipality, from Memorial Day to Labor Day,
 1-32 provide:

1-33 (A) occupied lifeguard towers or mobile
 1-34 lifeguard units on each side of each pier, jetty, or other structure
 1-35 that protrudes into the Gulf of Mexico that is located within the
 1-36 corporate boundaries; or

1-37 (B) a single occupied lifeguard tower or mobile
 1-38 lifeguard unit at each pier, jetty, or other structure that
 1-39 protrudes into the Gulf of Mexico that is located within the
 1-40 corporate boundaries if the single tower provides an unobstructed
 1-41 view of both sides of the structure; and

1-42 (2) post within 100 yards of each side of each
 1-43 structure described by Subdivision (1) signs clearly describing the
 1-44 dangerous water conditions that may occur near the structure.

1-45 (d) A municipality may suspend or alter the duties imposed
 1-46 under Subsection (c) during dangerous weather conditions or
 1-47 emergency operations.

1-48 SECTION 3. Section 61.066, Natural Resources Code, is
 1-49 amended to read as follows:

1-50 Sec. 61.066. DUTY OF COUNTY. (a) It is the duty and
 1-51 responsibility of the commissioners court of any county located or
 1-52 bordering on the Gulf of Mexico to clean and maintain the condition
 1-53 of all public beaches located inside the county but outside the
 1-54 boundaries of any incorporated city located or bordering on the
 1-55 Gulf of Mexico and all public beaches owned by the county and
 1-56 located inside the boundaries of an incorporated city, town, or
 1-57 village.

1-58 (b) As part of the duty under this section to clean and
 1-59 maintain the condition of public beaches, a county shall:

1-60 (1) during reasonable daylight hours, as established
 1-61 and posted by the county, from Memorial Day to Labor Day, provide:

1-62 (A) occupied lifeguard towers or mobile

2-1 lifeguard units on each side of each pier, jetty, or other structure
 2-2 that protrudes into the Gulf of Mexico that is located on a public
 2-3 beach described by Subsection (a); or
 2-4 (B) a single occupied lifeguard tower or mobile
 2-5 lifeguard unit at each pier, jetty, or other structure that
 2-6 protrudes into the Gulf of Mexico that is located on a public beach
 2-7 described by Subsection (a) if the single tower provides an
 2-8 unobstructed view of both sides of the structure; and
 2-9 (2) post within 100 yards of each side of each
 2-10 structure described by Subdivision (1) signs clearly describing the
 2-11 dangerous water conditions that may occur near the structure.

2-12 (c) A county may suspend or alter the duties imposed under
 2-13 Subsection (b) during dangerous weather conditions or emergency
 2-14 operations.

2-15 SECTION 4. Section 61.067, Natural Resources Code, is
 2-16 amended by adding Subsections (a-2) and (a-3) to read as follows:

2-17 (a-2) As part of the duty under this section to clean and
 2-18 maintain the condition of public beaches located within state
 2-19 parks, the department shall:

2-20 (1) during reasonable daylight hours, as established
 2-21 and posted by the department, from Memorial Day to Labor Day,
 2-22 provide:

2-23 (A) occupied lifeguard towers or mobile
 2-24 lifeguard units on each side of each pier, jetty, or other structure
 2-25 that protrudes into the Gulf of Mexico that is located within a
 2-26 state park; or

2-27 (B) a single occupied lifeguard tower or mobile
 2-28 lifeguard unit at each pier, jetty, or other structure that
 2-29 protrudes into the Gulf of Mexico that is located within a state
 2-30 park if the single tower provides an unobstructed view of both sides
 2-31 of the structure; and

2-32 (2) post within 100 yards of each side of each
 2-33 structure described by Subdivision (1) signs clearly describing the
 2-34 dangerous water conditions that may occur near the structure.

2-35 (a-3) The department may suspend or alter the duties imposed
 2-36 under Subsection (a-2) during dangerous weather conditions or
 2-37 emergency operations.

2-38 SECTION 5. Subchapter A, Chapter 13, Parks and Wildlife
 2-39 Code, is amended by adding Section 13.023 to read as follows:

2-40 Sec. 13.023. LIFEGUARDS AND SIGNAGE IN CERTAIN AREAS. (a)
 2-41 The department shall:

2-42 (1) during reasonable daylight hours, as established
 2-43 and posted by the department, from Memorial Day to Labor Day,
 2-44 provide:

2-45 (A) occupied lifeguard towers or mobile
 2-46 lifeguard units on each side of each pier, jetty, or other structure
 2-47 that protrudes into the Gulf of Mexico that is located within a
 2-48 state park; or

2-49 (B) a single occupied lifeguard tower or mobile
 2-50 lifeguard unit at each pier, jetty, or other structure that
 2-51 protrudes into the Gulf of Mexico that is located within a state
 2-52 park if the single tower provides an unobstructed view of both sides
 2-53 of each structure; and

2-54 (2) post within 100 yards of each side of each
 2-55 structure described by Subdivision (1) signs clearly describing the
 2-56 dangerous water conditions that may occur near the structure.

2-57 (b) The department may suspend or alter the duties imposed
 2-58 under Subsection (a) during dangerous weather conditions or
 2-59 emergency operations.

2-60 SECTION 6. The Parks and Wildlife Department is required to
 2-61 implement a provision of this Act only if the legislature
 2-62 appropriates money specifically for that purpose. If the
 2-63 legislature does not appropriate money specifically for that
 2-64 purpose, that agency may, but is not required to, implement a
 2-65 provision of this Act using other appropriations available for that
 2-66 purpose.

2-67 SECTION 7. This Act takes effect September 1, 2021.

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