

By: Hinojosa

S.B. No. 1127

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the presence of open water lifeguards on all public  
3 beaches in this state.

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

5 SECTION 1. Section 61.011(d), Natural Resources Code, is  
6 amended to read as follows:

7 (d) The commissioner shall promulgate rules, consistent  
8 with the policies established in this section, on the following  
9 matters only:

10 (1) acquisition by local governments or other  
11 appropriate entities or public dedication of access ways sufficient  
12 to provide adequate public ingress and egress to and from the beach  
13 within the area described in Subdivision (6);

14 (2) protection of the public easement from erosion or  
15 reduction caused by development or other activities on adjacent  
16 land and beach cleanup and maintenance;

17 (3) local government prohibitions of vehicular  
18 traffic on public beaches, provision of off-beach parking, and  
19 other minimum measures needed to mitigate for any adverse effect on  
20 public access and dune areas;

21 (4) imposition of beach access, user, or parking fees  
22 and reasonable exercises of the police power by local governments  
23 with respect to public beaches;

24 (5) contents and certification of beach access and use

1 plans and standards for local government review of construction on  
2 land adjacent to and landward of public beaches;

3 (6) construction on land adjacent to and landward of  
4 public beaches and lying in the area either up to the first public  
5 road generally parallel to the beach or to any closer public road  
6 not parallel to the beach, or to within 1,000 feet of mean high  
7 tide, whichever is greater, that affects or may affect public  
8 access to and use of public beaches; ~~and~~

9 (7) the temporary suspension under Section 61.0185 of  
10 enforcement of the prohibition against encroachments on and  
11 interferences with the public beach easement and the ability of a  
12 property owner to make repairs to a house while a suspension is in  
13 effect; and

14 (8) provision of an appropriate number of lifeguards  
15 for each public beach consistent with the requirements of Section  
16 61.027.

17 SECTION 2. Subchapter B, Chapter 61, Natural Resources  
18 Code, is amended by adding Section 61.027 to read as follows:

19 Sec. 61.027. LIFEGUARDS. (a) The land office shall  
20 establish a program to provide for the placement of an appropriate  
21 number of lifeguards on each public beach in this state.

22 (b) The land office may employ lifeguards directly or may  
23 contract with a municipality, county, or other political  
24 subdivision under Chapter 791, Government Code, for lifeguard  
25 services.

26 (c) Each lifeguard employed by the land office or providing  
27 lifeguard services under an interlocal contract with a

1 municipality, county, or other political subdivision must:

2 (1) have completed a training program for open water  
3 lifeguards that meets the requirements of a lifeguard agency  
4 certification program recognized by the land office; and

5 (2) be certified as an emergency medical technician  
6 under Chapter 773, Health and Safety Code.

7 (d) The land office may recognize the United States  
8 Lifesaving Association's lifeguard agency certification program  
9 for purposes of Subsection (c)(1).

10 (e) Notwithstanding any other law, a municipality, county,  
11 or other political subdivision may not provide lifeguard services  
12 for a public beach except under an interlocal contract with the land  
13 office.

14 (f) The commissioner may adopt rules to implement this  
15 section.

16 SECTION 3. Not later than December 1, 2005, the  
17 commissioner of the General Land Office shall adopt rules required  
18 by Section 61.027, Natural Resources Code, as added by this Act.

19 SECTION 4. Notwithstanding Section 61.027(e), Natural  
20 Resources Code, as added by this Act, a municipality, county, or  
21 other political subdivision that is providing lifeguard services  
22 for a public beach on the effective date of this Act may continue to  
23 provide those services until the General Land Office establishes  
24 the program required by Section 61.027, Natural Resources Code, as  
25 added by this Act.

26 SECTION 5. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2005.