

## **BILL ANALYSIS**

C.S.S.B. 410  
By: Harris  
Culture, Recreation, & Tourism  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, municipalities are authorized to enforce the laws of a lake on the parts of a body of water that fall within a municipality's jurisdiction with a registered marine enforcement unit. The remainder of the lake is patrolled by Texas Parks and Wildlife Department (TPWD) and the county under whose jurisdiction the lake falls. Counties or TPWD enforce large areas of water with only a few boats, resulting in fewer patrol boats and protection for those waters when performing administrative or punitive functions.

C.S.S.B. 410 authorizes a municipality that borders any body of water that falls within the municipality's jurisdiction to enforce all laws on the entirety of that body of water with a registered marine enforcement unit.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1. Amends Subchapter E, Chapter 31, Parks and Wildlife Code, by adding Section 31.1211, as follows:

#### Sec. 31.1211. JURISDICTION OF MUNICIPAL PEACE OFFICERS.

(a) Notwithstanding any other law limiting the enforcement jurisdiction of a peace officer, a peace officer of a municipality who is certified as a marine safety enforcement officer under Section 31.121 may enforce the provisions of this chapter within an area of a lake that is outside the enforcement jurisdiction of the peace officer if: (1) any portion of the lake is contained in the corporate limits or extraterritorial jurisdiction of the municipality, and (2) the municipality has entered into a memorandum of understanding (MOU) with the governmental entity having enforcement jurisdiction in that area granting the peace officer enforcement jurisdiction in the area.

(b) The MOU under Subsection (a)(2) must designate the jurisdiction that has the authority to conduct any prosecution or ongoing investigation of a violation resulting from an enforcement action under this section and be approved by the Parks and Wildlife Department.

SECTION 2. Effective date: upon passage or September 1, 2007.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The provisions of S.B. 410 as passed by the Senate were bracketed to effect only certain lakes in Texas. The committee substitute removes the bracket and applies the bill statewide.

C.S.S.B. 410 also adds language to require a memorandum of understanding between governmental entities effected by the new law, and specifies certain information that must be included in the memorandum of understanding. The Parks and Wildlife Department must approve the memorandum of understanding.