

BILL ANALYSIS

C.S.H.B. 3109
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a person operating a motorboat is prohibited from circling around persons who are fishing or swimming. It is important to protect those who are engaged in activities other than fishing and swimming as well.

C.S.H.B. 3109 prohibits a person operating a motorboat from circling around someone who is waterskiing or engaged in a similar activity, unless the operator is retrieving a fallen water-skier. The bill also provides that, in court cases filed as the result of an arrest by a marine safety enforcement officer other than a game warden, the amount of the fine imposed for a violation of the Water Safety Act is required to be remitted to the entity employing the officer.

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

C.S.H.B. 3109 amends the Parks and Wildlife Code to prohibit a person from operating a motorboat in a circular course around any other boat any occupant of which is engaged in waterskiing or a similar activity, in addition to fishing or around any person swimming. The bill exempts from such prohibition a person operating a motorboat in a circular course to retrieve a downed or fallen water-skier or other person who was engaging in a similar activity.

C.S.H.B. 3109 requires, in court cases filed as the result of an arrest by a marine safety enforcement officer other than a game warden, the amount of the fine imposed for a violation of the Water Safety Act to be remitted to the entity employing the marine safety enforcement officer, rather than requiring 60 percent of the fine to be remitted to the game, fish, and water safety account.

C.S.H.B. 3109 repeals Section 31.128(d), Parks and Wildlife Code, relating to the percentage of such fines remitted to the game, fish, and water safety account required to be used for the administration and enforcement of water safety.

EFFECTIVE DATE

July 1, 2009, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3109 adds a provision not in the original exempting from the prohibition against a person operating a motorboat in a circular course around any other boat any occupant of which is engaged in certain water activities a person operating a motorboat in a circular course to retrieve a downed or fallen water-skier or other person who was engaging in a similar activity.

C.S.H.B. 3109 removes provisions in the original prohibiting a person from operating a motorboat within 100 feet of the shore, any other vessel, a person, or a stationary platform or other object unless the boat's speed does not exceed headway speed, the boat is in a no-wake zone, or a distance of at least 100 feet is not possible and makes conforming changes by removing an exception to such a prohibition for the operation of personal watercraft on bodies of water less than 200 feet in width.