

SENATE AMENDMENTS

2nd Printing

By: Hunter, Morales of Harris

H.B. No. 3807

A BILL TO BE ENTITLED

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 Subsection (c) 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 for the months of March through November, provide:

(A) occupied lifeguard towers 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 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 dangerous water conditions that may occur near the structure.

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

1 Sec. 61.066. DUTY OF COUNTY. (a) It is the duty and
2 responsibility of the commissioners court of any county located or
3 bordering on the Gulf of Mexico to clean and maintain the condition
4 of all public beaches located inside the county but outside the
5 boundaries of any incorporated city located or bordering on the
6 Gulf of Mexico and all public beaches owned by the county and
7 located inside the boundaries of an incorporated city, town, or
8 village.

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

11 (1) during reasonable daylight hours for the months of
12 March through November, provide:

13 (A) occupied lifeguard towers on each side of
14 each pier, jetty, or other structure that protrudes into the Gulf of
15 Mexico that is located on a public beach described by Subsection
16 (a); or

17 (B) a single occupied lifeguard tower at each
18 pier, jetty, or other structure that protrudes into the Gulf of
19 Mexico that is located on a public beach described by Subsection (a)
20 if the single tower provides an unobstructed view of both sides of
21 the structure; and

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

25 SECTION 4. Section 61.067, Natural Resources Code, is
26 amended by adding Subsection (a-2) to read as follows:

27 (a-2) As part of the duty under this section to clean and

1 maintain the condition of public beaches located within state
2 parks, the department shall:

3 (1) during reasonable daylight hours for the months of
4 March through November, provide:

5 (A) occupied lifeguard towers on each side of
6 each pier, jetty, or other structure that protrudes into the Gulf of
7 Mexico that is located within a state park; or

8 (B) a single occupied lifeguard tower at each
9 pier, jetty, or other structure that protrudes into the Gulf of
10 Mexico that is located within a state park if the single tower
11 provides an unobstructed view of both sides of the structure; and

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

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

17 Sec. 13.023. LIFEGUARDS AND SIGNAGE IN CERTAIN AREAS. The
18 department shall:

19 (1) during reasonable daylight hours for the months of
20 March through November, provide:

21 (A) occupied lifeguard towers on each side of
22 each pier, jetty, or other structure that protrudes into the Gulf of
23 Mexico that is located within a state park; or

24 (B) a single occupied lifeguard tower at each
25 pier, jetty, or other structure that protrudes into the Gulf of
26 Mexico that is located within a state park if the single tower
27 provides an unobstructed view of both sides of each 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 SECTION 6. This Act takes effect September 1, 2021.

ADOPTED
MAY 25 2023

By: J. J. Huij

Substitute the following for ___B. No. _____

Lately
Secretary of the Senate

H.B. No. 3807

By: J. J. Huij

C.S.H.B. No. 3807

A BILL TO BE ENTITLED

AN ACT

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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:

(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 dangerous water conditions that may occur near the structure.

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

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

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

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

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

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

22 (B) a single occupied lifeguard tower or mobile
23 lifeguard unit at each pier, jetty, or other structure that
24 protrudes into the Gulf of Mexico that is located on a public beach
25 described by Subsection (a) if the single tower provides an
26 unobstructed view of both sides of the structure; and

27 (2) post within 100 yards of each side of each

1 structure described by Subdivision (1) signs clearly describing the
2 dangerous water conditions that may occur near the structure.

3 (c) A county may suspend or alter the duties imposed under
4 Subsection (b) during dangerous weather conditions or emergency
5 operations.

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

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

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

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

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

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

26 (a-3) The department may suspend or alter the duties imposed
27 under Subsection (a-2) during dangerous weather conditions or

1 emergency operations.

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

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

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

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

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

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

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

24 SECTION 6. The Parks and Wildlife Department is required to
25 implement a provision of this Act only if the legislature
26 appropriates money specifically for that purpose. If the
27 legislature does not appropriate money specifically for that

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

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

ADOPTED

✓✓
MAY 25 2021

Lately Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

Taylor

1 Amend C.S.H.B. No. 3807 (senate committee report) in SECTION
2 2 of the bill, in added Section 61.065(c), Natural Resources Code
3 (page 1, line 32), between "provide" and the underlined colon, by
4 inserting ", or ensure that a park board created by the municipality
5 under Chapter 306, Local Government Code, provides".

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 27, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3807 by Hunter (Relating to the use of lifeguards and informational signs to improve safety on public beaches.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3807, As Passed 2nd House : an impact of \$0 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The Texas Parks and Wildlife Department is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from Sporting Goods Sales Tax Transfer to GR-D 64</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$549,076)	4.5
2023	(\$260,971)	4.5
2024	(\$267,907)	4.5
2025	(\$261,471)	4.5
2026	(\$267,607)	4.5

Fiscal Analysis

The bill would amend the Natural Resources Code and the Parks and Wildlife Code to require cities, counties, and state parks to post lifeguards in towers or mobile units during daylight hours from Memorial Day through Labor Day on each side of every pier, jetty, or other structure that protrudes into the Gulf of Mexico. A single

occupied lifeguard tower at each structure would be sufficient if the tower or unit provided an unobstructed view of both sides of the structure. The bill would also require these entities to post signs within 100 yards of each side of each structure describing dangerous water conditions that may occur. These requirements would be waived in the event of dangerous weather conditions or during emergency operations.

The bill would take effect September 1, 2021.

Methodology

The Texas Parks and Wildlife Department (TPWD) indicates that the only state park that would be affected by the bill's requirements is Mustang Island State Park, which has five miles of beach on the Gulf of Mexico, including two jetties. Based on information provided by TPWD, it is assumed that the installation of two lifeguard towers would be required at \$125,000 each in fiscal year 2022. The warning signs required by the bill would cost \$9,549 in fiscal year 2022, and \$7,549 each subsequent year.

Based on information provided by TPWD, the agency would need 1.0 Park Ranger I at \$39,837 per year and 3.5 Lifeguard positions at \$29,699 per year for each position. Salary, benefits, and other costs associated with these FTEs would be \$205,791 in fiscal year 2022 and \$193,222 each subsequent year. To accommodate these FTEs, the agency would need to rent office space and a storage shed at a cost of \$13,800 per year. Lifeguard equipment would cost \$16,100 in fiscal year 2022. Lifeguard instructor training, which is required every three years, would cost \$500 in fiscal year 2022 and in fiscal year 2025. Red Cross instructor training would cost \$6,936 every two years, beginning in fiscal year 2022. Vehicles, radios, and outfitting would cost \$46,400 per year.

Costs related to the bill would be paid from Sporting Goods Sales Tax Transfer to State Parks Account No. 64, an account that is not counted towards certification.

Local Government Impact

The bill's provisions requires counties and municipalities located or bordering on the Gulf of Mexico to provide occupied lifeguard towers or mobile units during daylight hours from Memorial Day through Labor Day. There may be a fiscal impact to applicable municipalities and counties, however the extent of the impact cannot be determined at this time.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JMc, LBO, PBO, AJL, MW, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 19, 2021

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3807 by Hunter (Relating to the use of lifeguards and informational signs to improve safety on public beaches.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3807, Committee Report 2nd House, Substituted : an impact of \$0 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The Texas Parks and Wildlife Department is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from Sporting Goods Sales Tax Transfer to GR-D 64	Change in Number of State Employees from FY 2021
2022	(\$549,076)	4.5
2023	(\$260,971)	4.5
2024	(\$267,907)	4.5
2025	(\$261,471)	4.5
2026	(\$267,607)	4.5

Fiscal Analysis

The bill would amend the Natural Resources Code and the Parks and Wildlife Code to require cities, counties, and state parks to post lifeguards in towers or mobile units during daylight hours from Memorial Day through Labor Day on each side of every pier, jetty, or other structure that protrudes into the Gulf of Mexico. A single

occupied lifeguard tower at each structure would be sufficient if the tower or unit provided an unobstructed view of both sides of the structure. The bill would also require these entities to post signs within 100 yards of each side of each structure describing dangerous water conditions that may occur. These requirements would be waived in the event of dangerous weather conditions or during emergency operations.

The bill would take effect September 1, 2021.

Methodology

The Texas Parks and Wildlife Department (TPWD) indicates that the only state park that would be affected by the bill's requirements is Mustang Island State Park, which has five miles of beach on the Gulf of Mexico, including two jetties. Based on information provided by TPWD, it is assumed that the installation of two lifeguard towers would be required at \$125,000 each in fiscal year 2022. The warning signs required by the bill would cost \$9,549 in fiscal year 2022, and \$7,549 each subsequent year.

Based on information provided by TPWD, the agency would need 1.0 Park Ranger I at \$39,837 per year and 3.5 Lifeguard positions at \$29,699 per year for each position. Salary, benefits, and other costs associated with these FTEs would be \$205,791 in fiscal year 2022 and \$193,222 each subsequent year. To accommodate these FTEs, the agency would need to rent office space and a storage shed at a cost of \$13,800 per year. Lifeguard equipment would cost \$16,100 in fiscal year 2022. Lifeguard instructor training, which is required every three years, would cost \$500 in fiscal year 2022 and in fiscal year 2025. Red Cross instructor training would cost \$6,936 every two years, beginning in fiscal year 2022. Vehicles, radios, and outfitting would cost \$46,400 per year.

Costs related to the bill would be paid from Sporting Goods Sales Tax Transfer to State Parks Account No. 64, an account that is not counted towards certification.

Local Government Impact

The bill's provisions requires counties and municipalities located or bordering on the Gulf of Mexico to provide occupied lifeguard towers or mobile units during daylight hours from Memorial Day through Labor Day. There may be a fiscal impact to applicable municipalities and counties, however the extent of the impact cannot be determined at this time.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JMc, AJL, MW, PBO, AF

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 12, 2021

TO: Honorable Brian Birdwell, Chair, Senate Committee on Natural Resources & Economic Development

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3807 by Hunter (Relating to the use of lifeguards and informational signs to improve safety on public beaches.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3807, As Engrossed : an impact of \$0 through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from Sporting Goods Sales Tax Transfer to GR-D 64	Change in Number of State Employees from FY 2021
2022	(\$710,440)	9.3
2023	(\$422,335)	9.3
2024	(\$429,271)	9.3
2025	(\$422,835)	9.3
2026	(\$429,271)	9.3

Fiscal Analysis

The bill would amend the Natural Resources Code and the Parks and Wildlife Code to require cities, counties, and state parks to post lifeguards in towers during daylight hours from March through November on each side of every pier, jetty, or other structure that protrudes into the Gulf of Mexico. A single occupied lifeguard tower at each structure would be sufficient if the tower provided an unobstructed view of both sides of the structure. The bill would also require these entities to post signs within 100 yards of each side of each structure describing dangerous water conditions that may occur.

The bill would take effect September 1, 2021.

Methodology

The Texas Parks and Wildlife Department (TPWD) indicates that the only state park that would be affected by the bill's requirements is Mustang Island State Park, which has five miles of beach on the Gulf of Mexico, including two jetties. Based on information provided by TPWD, it is assumed that the installation of two lifeguard towers would be required at \$125,000 each in fiscal year 2022. The warning signs required by the bill would cost \$9,549 in fiscal year 2022, and \$7,549 each subsequent year.

Based on information provided by TPWD, the agency would need 1.0 Park Ranger I at \$39,837 per year and 8.3 Lifeguards at \$27,030 per year for each lifeguard. Salary, benefits, and other costs associated with these FTEs would be \$367,155 in fiscal year 2022 and \$354,586 each subsequent year. To accommodate these FTEs, the agency would need to rent office space and a storage shed at a cost of \$13,800 per year. Lifeguard equipment would cost \$16,100 in fiscal year 2022. Lifeguard instructor training, which is required every three years, would cost \$500 in fiscal year 2022 and in fiscal year 2025. Red Cross instructor training would cost \$6,936 every two years, beginning in fiscal year 2022. Vehicles, radios, and outfitting would cost \$46,400 per year.

Costs related to the bill would be paid from Sporting Goods Sales Tax Transfer to State Parks Account No. 64, an account that is not counted towards certification.

Local Government Impact

The bill's provisions requires counties and municipalities located or bordering on the Gulf of Mexico to provide occupied lifeguard towers during daylight hours from March through November. There may be a fiscal impact to applicable municipalities and counties, however the extent of the impact cannot be determined at this time.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JMc, AJL, MW, PBO, AF

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 28, 2021

TO: Honorable Ken King, Chair, House Committee on Culture, Recreation & Tourism

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3807 by Hunter (Relating to the use of lifeguards and informational signs to improve safety on public beaches.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3807, As Introduced : an impact of \$0 through the biennium ending August 31, 2023.

The legislation would result in an estimated two-year negative impact of \$1,434,155 to General Revenue-Dedicated Funds through the biennium ending August 31, 2023.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2022	\$0
2023	\$0
2024	\$0
2025	\$0
2026	\$0

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable (Cost) from State Parks Acct 64	Change in Number of State Employees from FY 2021
2022	(\$929,058)	11.2
2023	(\$505,097)	11.2
2024	(\$513,089)	11.2
2025	(\$505,597)	11.2
2026	(\$513,089)	11.2

Fiscal Analysis

The bill would amend the Natural Resources Code and the Parks and Wildlife Code to require cities, counties, and state parks to post lifeguards in towers during daylight hours from March through November on each side of any pier, jetty, or other structure that protrudes into the Gulf of Mexico and post signs within 100 yards of each side of each structure describing dangerous water conditions that may occur.

The bill would take effect September 1, 2021.

Methodology

The Texas Parks and Wildlife Department (TPWD) indicates that the only state park that would be affected by the bill's requirements are Mustang Island State Park, which has five miles of beach on the Gulf of Mexico, including two jetties. Based on information provided by TPWD, it is assumed that the installation of three lifeguard towers would be required at \$175,000 each in fiscal year 2022, one between the jetties and one on either side. The warning signs required by the bill would cost \$13,110 in fiscal year 2022, and \$8,110 each subsequent year.

Based on information provided by the Texas Parks and Wildlife Department (TPWD), the agency would need 1.0 Park Ranger I at \$39,373 per year and 10.2 Lifeguards at \$27,901 per year. Salary, benefits, and other costs associated with this FTEs would be \$447,756 in fiscal year 2022 and \$435,187 each subsequent year. To accommodate these FTEs, the agency would need to rent office space and a storage shed at a cost of \$13,800 per year. Lifeguard equipment would cost \$22,900 in fiscal year 2022. Lifeguard instructor training, which is required every three years, would cost \$500 in fiscal year 2022 and in fiscal year 2025. Red Cross Instructor training would cost \$7,992 every two years, beginning in fiscal year 2022. Vehicles, radios, and outfitting would cost \$48,000 per year.

Costs related to state park operations are paid from General Revenue-Dedicated State Parks Account No. 64.

Local Government Impact

The bill's provisions requires counties and municipalities located or bordering on the Gulf of Mexico to provide occupied lifeguard towers during daylight hours from March through November. There may be a fiscal impact to applicable municipalities and counties, however the extent of the impact cannot be determined at this time.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JMc, AJL, MW, PBO, AF