

House Bill 3807
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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:

SENATE VERSION (IE)

SECTION 1. Same as House version.

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, or ensure that a park board created by the municipality under Chapter 306, Local Government Code, provides: [FA1]

(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.

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

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

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

(b) As part of the duty under this section to clean and maintain the condition of public beaches, a county 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 on a public beach described by Subsection (a); or

(B) a single occupied lifeguard tower at each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located on a public beach described by Subsection (a) 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 4. Section 61.067, Natural Resources Code, is amended by adding Subsection (a-2) to read as follows:

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

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

(1) during reasonable daylight hours, as established and posted by the county, 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 on a public beach described by Subsection (a); 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 on a public beach described by Subsection (a) 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.

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

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

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(a-2) As part of the duty under this section to clean and maintain the condition of public beaches located within state parks, the department 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 a state park; 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 a state park 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 5. Subchapter A, Chapter 13, Parks and Wildlife Code, is amended by adding Section 13.023 to read as follows:

Sec. 13.023. LIFEGUARDS AND SIGNAGE IN CERTAIN AREAS. The department 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,

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follows:

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

(1) during reasonable daylight hours, as established and posted by the department, 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 a state park; 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 a state park 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.

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

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

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

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

(A) occupied lifeguard towers or mobile lifeguard units on

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or other structure that protrudes into the Gulf of Mexico that is located within a state park; 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 a state park if the single tower provides an unobstructed view of both sides of each 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.

No equivalent provision.

SECTION 6. This Act takes effect September 1, 2021.

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each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within a state park; 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 a state park if the single tower provides an unobstructed view of both sides of each 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.

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

SECTION 6. The 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, that agency may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 7. Same as House version.

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