

## **BILL ANALYSIS**

Senate Research Center  
87R26913 JAM-D

C.S.H.B. 3807  
By: Hunter et al. (Hinojosa)  
Natural Resources & Economic Development  
5/18/2021  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Rip currents naturally occur by rocky formations, piers, and jetties. Increasing awareness of natural conditions that pose a significant risk on Texas beaches, such as rip currents, is a critical element to improving public safety. Recognizing and being prepared for rip currents and other hazards may save lives.

C.S.H.B. 3807 seeks to provide awareness of these hazards by requiring a municipality, county, or the Texas Parks and Wildlife Department, during applicable months, to provide occupied lifeguard towers on each side of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located on certain beaches and post signs within 100 yards of each structure clearly describing the dangerous water conditions that may occur near the structure.

C.S.H.B. 3807 amends current law relating to the use of lifeguards and informational signs to improve safety on public beaches.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Requires that this Act be known as the Je'Sani Smith Act.

SECTION 2. Amends Section 61.065, Natural Resources Code, by adding Subsections (c) and (d), as follows:

(c) Requires a municipality, as part of the duty under Section 61.065 (Duty of Cities) to clean and maintain the condition of public beaches, to:

(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.

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

SECTION 3. Amends Section 61.066, Natural Resources Code, as follows:

Sec. 61.066. DUTY OF COUNTY. (a) Creates this subsection from existing text and makes no further changes.

(b) Requires a county, as part of the duty under Section 61.066 to clean and maintain the condition of public beaches, to:

(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) (relating to the provision that it is the duty and responsibility of the commissioners court of certain counties along the Gulf of Mexico to clean and maintain the condition of certain public beaches); 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) Authorizes a county to suspend or alter the duties imposed under Subsection (b) during dangerous weather conditions or emergency operations.

SECTION 4. Amends Section 61.067, Natural Resources Code, by adding Subsections (a-2) and (a-3), as follows:

(a-2) Requires the Texas Parks and Wildlife Department (TPWD), as part of the duty under Section 61.067 (Duty of State) to clean and maintain the condition of public beaches located within state parks, to:

(1) during reasonable daylight hours, as established and posted by TPWD, 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) Authorizes TPWD to suspend or alter the duties imposed under Subsection (a-2) during dangerous weather conditions or emergency operations.

SECTION 5. Amends Subchapter A, Chapter 13, Parks and Wildlife Code, by adding Section 13.023, as follows:

Sec. 13.023. LIFEGUARDS AND SIGNAGE IN CERTAIN AREAS. (a) Requires TPWD to:

(1) during reasonable daylight hours, as established and posted by TPWD, 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 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) Authorizes TPWD to suspend or alter the duties imposed under Subsection (a) during dangerous weather conditions or emergency operations.

SECTION 6. Requires TPWD to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Provides that if the legislature does not appropriate money specifically for that purposes, TPWD is authorized, but not required, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 7. Effective date: September 1, 2021.