

- SUBJECT:** Boating safety and fines for certain water safety offenses
- COMMITTEE:** Culture, Recreation and Tourism — committee substitute recommended
- VOTE:** 7 ayes — Homer, D. Howard, T. King, Kuempel, McCall, Phillips, Thibaut
- 0 nays
- 2 absent — Dukes, Kleinschmidt
- WITNESSES:** For — Gerald Burns; Helen Gordon, Tim Lindt, Britteny Sage Lindt Fund; Scott Gordon, Britteny Sage Lindt Fund, American Bass Anglers)
- Against — None
- On — Alfonso Campos and Steve Hall, Texas Parks & Wildlife Department
- BACKGROUND:** Parks and Wildlife Code, sec. 31.099 prohibits a boat driver from engaging in a circular course around any other boat in which any occupant is fishing or around any person swimming. Sec. 31.128 directs 60 percent of any fine imposed as a result of an arrest for engaging in this activity to be remitted to the game, fish, and water safety account.
- DIGEST:** CSHB 3109 would prohibit a person operating a motorboat from engaging in a circular course around a person waterskiing or in a similar activity. The bill would not apply to a person operating a motorboat in a circular course to retrieve a downed or fallen water-skier or person engaged in similar activity.
- The bill would require a fine to be remitted to the entity employing the marine safety enforcement officer in court cases resulting from an arrest by a marine safety enforcement officer other than a game warden.
- The bill only would apply to offenses committed on or after the effective date. This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

NOTES: The companion bill, SB 1745 by Harris, was passed by the Senate by 30-0 on April 23 on the Local and Uncontested Calendar and was reported favorably, as substituted, by the House Committee on Culture, Recreation, And Tourism on May 12.