

**SUBJECT:** Offense for motorboat circling a water skier

**COMMITTEE:** Culture, Recreation, and Tourism —favorable, without amendment

**VOTE:** 6 ayes — Homer, D. Howard, T. King, Kuempel, McCall, Phillips  
0 nays  
3 absent — Dukes, Kleinschmidt, Thibaut

**SENATE VOTE:** On final passage, April 23 — 30-0, on Local and Uncontested Calendar

**WITNESSES:** (*On the companion bill, HB 3109:*)  
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, 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:** CSSB 1745 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 would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

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effect September 1, 2009, and apply to offenses committed on or after that date.

NOTES:

The House companion bill, HB 3109 by Parker, was reported favorably, as substituted, by the Culture, Recreation, and Tourism Committee on May 1 and placed on the May 11 General State Calendar.