

By: Hunter

H.B. No. 4286

Substitute the following for H.B. No. 4286:

By: Legler

C.S.H.B. No. 4286

A BILL TO BE ENTITLED

AN ACT

relating to the disposal of sewage by boats.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 26.044(a), (b), (c), (d), and (f),  
Water Code, are amended to read as follows:

(a) In [As used in] this section:

(1) "Boat" [,"boat"] means any vessel or other  
watercraft, whether moved by oars, paddles, sails, or other power  
mechanism, inboard or outboard, or any other vessel or structure  
floating on surface water in the [~~this~~] state, whether or not  
capable of self-locomotion, including but not limited to cabin  
cruisers, houseboats, barges, marinas, and similar floating  
objects.

(2) "Boat pump-out station" means any private or  
public shoreside, mobile, or floating installation either  
independent of or in addition to an organized waste collection,  
treatment, and disposal system used to receive boat sewage.

(3) "Shoreside, mobile, or floating installation"  
means marinas and other installations servicing boats on surface  
water in the state.

(4) "Surface water in the state" means all lakes,  
bays, ponds, impounding reservoirs, springs, rivers, streams,  
creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico out  
three nautical miles into the Gulf, and all other bodies of surface

1 water, natural or artificial, inland or coastal, fresh or salt,  
2 navigable or nonnavigable, and including the beds and banks of all  
3 watercourses and bodies of surface water, that are wholly or  
4 partially inside or bordering the state or inside the jurisdiction  
5 of the state, except waters beyond three nautical miles of any shore  
6 in the state.

7 (b) The commission shall issue rules concerning the  
8 disposal of sewage from boats located or operated on surface water  
9 in the [~~inland fresh waters in this~~] state. The rules of the  
10 commission shall include provisions for the establishment of  
11 standards for sewage disposal devices, the certification of sewage  
12 disposal devices, including shoreside and mobile boat [~~on-shore~~]  
13 pump-out stations [~~facilities~~], and the visible and conspicuous  
14 display of evidence of certification of sewage disposal devices on  
15 each boat equipped with such device and on each shoreside and mobile  
16 [~~on-shore~~] pump-out device.

17 (c) The commission may delegate the administration and  
18 performance of the certification function to the executive director  
19 or to another [~~any other~~] governmental entity that has appropriate  
20 registration and law enforcement capabilities. The commission or  
21 delegated authority shall collect the following fees from  
22 applicants for certification:

23 Boat Pump-out Station (biennial) [~~Certificates (annual)~~]:

24 Initial Certificates for Pump-out \$35

25 Pump-out Renewal \$25

26 Marine Sanitation Device (biennial):

27 Boat over 26 Feet or Houseboat \$15

1 Boat 26 Feet or less with Permanent Device \$15

2 All certification fees shall be paid to the commission or delegated  
3 authority [~~entity~~] performing the certification function. All fees  
4 collected by any state agency shall be deposited to the credit of  
5 the water resource management account for use by the commission or  
6 delegated authority [~~that agency in administering and performing~~  
7 ~~the certification function~~].

8 (d) Before issuing any rules under Subsection (b) [~~of this~~  
9 ~~section~~], the commission or any person authorized by it under  
10 Section 26.021 on request may [~~of this code shall~~] hold hearings on  
11 those rules in Austin and in five other locations in the state in  
12 order to provide the best opportunity for all citizens of the state  
13 to appear and present evidence to the commission.

14 (f) Copies of each rule issued by the commission under this  
15 section shall be filed in the offices of the commission in Austin,  
16 in the office of the Secretary of State in Austin, and posted on the  
17 commission's Internet website [~~the office of the county clerk in~~  
18 ~~each county in the state~~]. The commission shall provide for  
19 publication of notice of each rule issued under this section in at  
20 least one newspaper of general circulation in each county of the  
21 state and shall furnish the county judge of each county of the state  
22 a copy of the rules.

23 SECTION 2. Sections 26.045(a), (b), and (c), Water Code,  
24 are amended to read as follows:

25 (a) In this section "boat," "boat pump-out station,"  
26 "shoreside, mobile, or floating installation," and "surface water  
27 in the state" have the meanings assigned by[+]

1           ~~[(1) "Boat" means the same as defined in]~~ Section  
2 26.044 ~~[26.044(a), Water Code].~~

3           ~~[(2) "Boat pump-out station" means any private or~~  
4 ~~public shoreside installation either independent of or in addition~~  
5 ~~to an organized waste collection, treatment, and disposal system~~  
6 ~~used to receive boat sewage.~~

7           ~~[(3) "Shoreside installation" means marinas and other~~  
8 ~~installations servicing boats on fresh water of Texas.~~

9           ~~[(4) "Fresh water" means as geographically applied all~~  
10 ~~of the surface lakes, streams, and reservoirs of the state,~~  
11 ~~exclusive of the extent of ordinary tidal action on this water.]~~

12           (b) After a public hearing and after making every reasonable  
13 effort to bring about the establishment of an adequate number of  
14 boat pump-out stations on surface ~~[fresh]~~ water in the state, the  
15 commission may enter an order requiring the establishment of boat  
16 pump-out stations by a local government that has any jurisdiction  
17 over at least a portion of the surface ~~[fresh]~~ water in the state or  
18 over land immediately adjacent to the ~~[fresh]~~ water.

19           (c) If a local government is authorized to issue  
20 authorization for the operation of shoreside, mobile, or floating  
21 installations, the local government may require the installation  
22 and operation of boat pump-out stations where necessary. The local  
23 government shall require the installation and operation of boat  
24 pump-out stations if required by the commission.

25           SECTION 3. The heading to Section 31.129, Parks and  
26 Wildlife Code, is amended to read as follows:

27           Sec. 31.129. VIOLATION AND ENFORCEMENT OF SEWAGE DISPOSAL

1 REGULATIONS.

2 SECTION 4. Section 31.129, Parks and Wildlife Code, is  
3 amended by amending Subsection (a) and adding Subsections (c) and  
4 (d) to read as follows:

5 (a) A person who violates or fails to comply with a rule of  
6 the Texas [~~Natural Resource Conservation~~] Commission on  
7 Environmental Quality concerning the disposal of sewage from boats  
8 commits an offense that is a Class C Parks and Wildlife Code  
9 misdemeanor. A separate offense is committed each day a violation  
10 continues.

11 (c) A game warden or peace officer who is certified as a  
12 marine safety enforcement officer under Section 31.121 may enforce  
13 a rule of the Texas Commission on Environmental Quality concerning  
14 the disposal of sewage from boats.

15 (d) A marine safety enforcement officer who reasonably  
16 suspects that a boat is discharging sewage in an area where  
17 discharge is prohibited may, if the owner or operator is aboard,  
18 board the boat for the purpose of inspecting the marine sanitation  
19 device for proper operation and testing the sanitation and holding  
20 devices, including placing a dye tablet in the holding tank.

21 SECTION 5. This Act takes effect September 1, 2009.