

By: Uresti

S.B. No. 2445

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), (d), and (f), Water Code, are amended to read as follows:

(a) As used in this section, "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 water of the ~~[in this]~~ state, whether or not capable of self-locomotion, including but not limited to cabin cruisers, houseboats, barges, marinas, and similar floating objects.

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

(d) Before issuing any rules under Subsection (b) ~~[of this section]~~, the commission or any person authorized by it under Section 26.021 on request may ~~[of this code shall]~~ hold hearings on

1 those rules in Austin and in five other locations in the state in
2 order to provide the best opportunity for all citizens of the state
3 to appear and present evidence to the commission.

4 (f) Copies of each rule issued by the commission under this
5 section shall be filed in the offices of the commission in Austin,
6 in the office of the Secretary of State in Austin, the office of the
7 county clerk in each county in the state, and posted on the
8 commission's Internet website. The commission shall provide for
9 publication of notice of each rule issued under this section in at
10 least one newspaper of general circulation in each county of the
11 state and shall furnish the county judge of each county of the state
12 a copy of the rules.

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

15 (a) In this section:

16 (1) "Boat" means the same as defined in Section
17 26.044(a), Water Code.

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

22 (3) "Shoreside, mobile, or floating installation"
23 means marinas and other installations servicing boats on water of
24 the state [~~fresh water of Texas~~].

25 (4) "Water of the state" [~~"Fresh water"~~] means [~~as~~
26 ~~geographically applied~~] all waters of the state except waters
27 beyond three nautical miles of any shore in the state [~~of the~~

1 ~~surface lakes, streams, and reservoirs of the state, exclusive of~~
2 ~~the extent of ordinary tidal action on this water].~~

3 (b) After a public hearing and after making every reasonable
4 effort to bring about the establishment of an adequate number of
5 boat pump-out stations on [~~fresh~~] water of the state, the
6 commission may enter an order requiring the establishment of boat
7 pump-out stations by a local government that has any jurisdiction
8 over at least a portion of the [~~fresh~~] water of the state or over
9 land immediately adjacent to the [~~fresh~~] water.

10 (c) If a local government is authorized to issue
11 authorization for the operation of shoreside, mobile, or floating
12 installations, the local government may require the installation
13 and operation of boat pump-out stations where necessary. The local
14 government shall require the installation and operation of boat
15 pump-out stations if required by the commission.

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

18 Sec. 31.129. VIOLATION AND ENFORCEMENT OF SEWAGE DISPOSAL
19 REGULATIONS.

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

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

1 continues.

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

6 (d) A marine safety enforcement officer who reasonably
7 suspects that a boat is discharging sewage in an area where
8 discharge is prohibited may, if the owner or operator is aboard,
9 board the boat for the purpose of inspecting the marine sanitation
10 device for proper operation and placing a dye tablet in the holding
11 tank.

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