

1-1 By: Uresti S.B. No. 2445
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 14, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 1; April 14, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2445 By: Uresti

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the disposal of sewage by certain boats.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Subsections (a), (b), (c), (d), and (f), Section
1-13 26.044, Water Code, are amended to read as follows:
1-14 (a) In ~~[As used in]~~ this section:
1-15 (1) "Boat" [,"boat"] means any vessel or other
1-16 watercraft, whether moved by oars, paddles, sails, or other power
1-17 mechanism, inboard or outboard, or any other vessel or structure
1-18 floating on surface water in the [this] state, whether or not
1-19 capable of self-locomotion, including but not limited to cabin
1-20 cruisers, houseboats, barges, marinas, and similar floating
1-21 objects. The term does not include a vessel subject to inspection
1-22 under 46 U.S.C. Section 3301.
1-23 (2) "Boat pump-out station" means any private or
1-24 public shoreside, mobile, or floating installation either
1-25 independent of or in addition to an organized waste collection,
1-26 treatment, and disposal system used to receive boat sewage.
1-27 (3) "Shoreside, mobile, or floating installation"
1-28 means marinas and other installations servicing boats on surface
1-29 water in the state.
1-30 (4) "Surface water in the state" means all lakes,
1-31 bays, ponds, impounding reservoirs, springs, rivers, streams,
1-32 creeks, estuaries, marshes, inlets, canals, the Gulf of Mexico out
1-33 three nautical miles into the Gulf, and all other bodies of surface
1-34 water, natural or artificial, inland or coastal, fresh or salt,
1-35 navigable or nonnavigable, and including the beds and banks of all
1-36 watercourses and bodies of surface water, that are wholly or
1-37 partially inside or bordering the state or inside the jurisdiction
1-38 of the state, except waters beyond three nautical miles of any shore
1-39 in the state.
1-40 (b) The commission shall issue rules concerning the
1-41 disposal of sewage from boats located or operated on surface water
1-42 in the [inland fresh waters in this] state. The rules of the
1-43 commission shall include provisions for the establishment of
1-44 standards for sewage disposal devices, the certification of sewage
1-45 disposal devices, including shoreside and mobile boat [on-shore]
1-46 pump-out stations [facilities], and the visible and conspicuous
1-47 display of evidence of certification of sewage disposal devices on
1-48 each boat equipped with such device and on each shoreside and mobile
1-49 [on-shore] pump-out device.
1-50 (c) The commission may delegate the administration and
1-51 performance of the certification function to the executive director
1-52 or to another [any other] governmental entity that has appropriate
1-53 registration and law enforcement capabilities. The commission or
1-54 delegated authority shall collect the following fees from
1-55 applicants for certification:
1-56 Boat Pump-out Station (biennial) [Certificates (annual)]:
1-57 Initial Certificates for Pump-out \$35
1-58 Pump-out Renewal \$25
1-59 Marine Sanitation Device (biennial):
1-60 Boat over 26 Feet or Houseboat \$15
1-61 Boat 26 Feet or less with Permanent Device \$15
1-62 All certification fees shall be paid to the commission or delegated
1-63 authority [entity] performing the certification function. All fees

2-1 collected by any state agency shall be deposited to the credit of
 2-2 the water resource management account for use by the commission or
 2-3 delegated authority [~~that agency in administering and performing~~
 2-4 ~~the certification function~~].

2-5 (d) Before issuing any rules under Subsection (b) [~~of this~~
 2-6 ~~section~~], the commission or any person authorized by it under
 2-7 Section 26.021 on request may [~~of this code shall~~] hold hearings on
 2-8 those rules in Austin and in five other locations in the state in
 2-9 order to provide the best opportunity for all citizens of the state
 2-10 to appear and present evidence to the commission.

2-11 (f) Copies of each rule issued by the commission under this
 2-12 section shall be filed in the offices of the commission in Austin,
 2-13 in the office of the Secretary of State in Austin, and posted on the
 2-14 commission's Internet website [~~the office of the county clerk in~~
 2-15 ~~each county in the state~~]. The commission shall provide for
 2-16 publication of notice of each rule issued under this section in at
 2-17 least one newspaper of general circulation in each county of the
 2-18 state and shall furnish the county judge of each county of the state
 2-19 a copy of the rules.

2-20 SECTION 2. Subsections (a), (b), and (c), Section 26.045,
 2-21 Water Code, are amended to read as follows:

2-22 (a) In this section "boat," "boat pump-out station,"
 2-23 "shoreside, mobile, or floating installation," and "surface water
 2-24 in the state" have the meanings assigned by~~[-~~

2-25 [(1) "~~Boat~~" means the same as defined in] Section
 2-26 26.044 [~~26.044(a), Water Code~~].

2-27 [(2) "~~Boat pump-out station~~" means any private or
 2-28 ~~public shoreside installation either independent of or in addition~~
 2-29 ~~to an organized waste collection, treatment, and disposal system~~
 2-30 ~~used to receive boat sewage.~~

2-31 [(3) "~~Shoreside installation~~" means marinas and other
 2-32 ~~installations servicing boats on fresh water of Texas.~~

2-33 [(4) "~~Fresh water~~" means as geographically applied all
 2-34 ~~of the surface lakes, streams, and reservoirs of the state,~~
 2-35 ~~exclusive of the extent of ordinary tidal action on this water.]~~

2-36 (b) After a public hearing and after making every reasonable
 2-37 effort to bring about the establishment of an adequate number of
 2-38 boat pump-out stations on surface [~~fresh~~] water in the state, the
 2-39 commission may enter an order requiring the establishment of boat
 2-40 pump-out stations by a local government that has any jurisdiction
 2-41 over at least a portion of the surface [~~fresh~~] water in the state or
 2-42 over land immediately adjacent to the [~~fresh~~] water.

2-43 (c) If a local government is authorized to issue
 2-44 authorization for the operation of shoreside, mobile, or floating
 2-45 installations, the local government may require the installation
 2-46 and operation of boat pump-out stations where necessary. The local
 2-47 government shall require the installation and operation of boat
 2-48 pump-out stations if required by the commission.

2-49 SECTION 3. The heading to Section 31.129, Parks and
 2-50 Wildlife Code, is amended to read as follows:

2-51 Sec. 31.129. VIOLATION AND ENFORCEMENT OF SEWAGE DISPOSAL
 2-52 REGULATIONS.

2-53 SECTION 4. Section 31.129, Parks and Wildlife Code, is
 2-54 amended by amending Subsection (a) and adding Subsections (c) and
 2-55 (d) to read as follows:

2-56 (a) A person who violates or fails to comply with a rule of
 2-57 the Texas [~~Natural Resource Conservation~~] Commission on
 2-58 Environmental Quality concerning the disposal of sewage from boats
 2-59 commits an offense that is a Class C Parks and Wildlife Code
 2-60 misdemeanor. A separate offense is committed each day a violation
 2-61 continues.

2-62 (c) A game warden or peace officer who is certified as a
 2-63 marine safety enforcement officer under Section 31.121 may enforce
 2-64 a rule of the Texas Commission on Environmental Quality concerning
 2-65 the disposal of sewage from boats.

2-66 (d) A marine safety enforcement officer who reasonably
 2-67 suspects that a boat is discharging sewage in an area where
 2-68 discharge is prohibited may, if the owner or operator is aboard,
 2-69 board the boat for the purpose of inspecting the marine sanitation

3-1 device for proper operation and testing the sanitation and holding
3-2 devices, including placing a dye tablet in the holding tank.
3-3 SECTION 5. This Act takes effect September 1, 2009.

3-4

* * * * *