

AN ACT

relating to the disposal of sewage by certain boats.

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

SECTION 1. Subsections (a), (b), (c), (d), and (f), Section 26.044, 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. The term does not include a vessel subject to inspection under 46 U.S.C. Section 3301.

(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

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

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

18 (c) The commission may delegate the administration and
19 performance of the certification function to the executive director
20 or to another [~~any other~~] governmental entity. 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. Subsections (a), (b), and (c), Section 26.045,
24 Water Code, 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

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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.

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Rand Newkirk
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 2445 passed the Senate on April 22, 2009, by the following vote: Yeas 29, Nays 1.

Atsuy Saw
Secretary of the Senate

I hereby certify that S.B. No. 2445 passed the House on May 26, 2009, by the following vote: Yeas 146, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK
JUN 19 2009

Colby Shuter III