

By: Hunter

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) 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.

(c) The commission may delegate the administration and performance of the certification function to the executive director or to another [~~any other~~] governmental entity that has appropriate

1 registration and law enforcement capabilities. The commission or
2 delegated authority shall collect [~~the following~~] fees from
3 applicants for certification in the following amounts or greater
4 amounts set by the commission:

5 Boat Certificates (biennial) [~~annual~~]:

6 Initial Certificates for Pump-out \$35

7 Pump-out Renewal \$25

8 Marine Sanitation Device (biennial):

9 Boat over 26 Feet or Houseboat \$15

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

11 All certification fees shall be paid to the entity performing the
12 certification function and [~~All fees collected by any state~~
13 ~~agency shall be~~] deposited to the credit of the clean boating [~~water~~
14 ~~resource management~~] account for use by that entity [~~agency in~~
15 ~~administering and performing the certification function~~].

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

22 (f) Copies of each rule issued by the commission under this
23 section shall be filed in the offices of the commission in Austin,
24 in the office of the Secretary of State in Austin, and posted on the
25 commission's Internet website [~~the office of the county clerk in~~
26 ~~each county in the state.~~ The commission shall provide for
27 ~~publication of notice of each rule issued under this section in at~~

1 ~~least one newspaper of general circulation in each county of the~~
2 ~~state and shall furnish the county judge of each county of the state~~
3 ~~a copy of the rules].~~

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

6 (a) In this section:

7 (1) "Boat" means the same as defined in Section
8 26.044(a), Water Code.

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

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

16 (4) "Water of the state" [~~"Fresh water"~~] means [~~as~~
17 ~~geographically applied~~] all waters of the state except waters
18 beyond three nautical miles of any shore in the state [~~of the~~
19 ~~surface lakes, streams, and reservoirs of the state, exclusive of~~
20 ~~the extent of ordinary tidal action on this water~~].

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

1 (c) If a local government is authorized to issue
2 authorization for the operation of shoreside, mobile, or floating
3 installations, the local government may require the installation
4 and operation of boat pump-out stations where necessary. The local
5 government shall require the installation and operation of boat
6 pump-out stations if required by the commission.

7 SECTION 3. Subchapter B, Chapter 26, Water Code, is amended
8 by adding Sections 26.0451 and 26.0452 to read as follows:

9 Sec. 26.0451. CLEAN BOATING ACCOUNT. (a) The clean boating
10 account is an account in the general revenue fund. Money in that
11 account may be appropriated only for purposes related to the
12 disposal of sewage from boats, including:

13 (1) environmental education;

14 (2) the support of the Clean Texas Boater Program or
15 the Clean Texas Marina Program; or

16 (3) the enforcement of laws and regulations concerning
17 the disposal of sewage from boats.

18 (b) Interest or other earnings on the balance of the account
19 shall be credited to the account.

20 (c) Section 403.095, Government Code, does not apply to the
21 account.

22 Sec. 26.0452. POLLUTION PREVENTION AND COMPLIANCE
23 ASSISTANCE. (a) The office of pollution prevention established
24 under Section 361.0216, Health and Safety Code, shall assist marina
25 operators in reducing the negative public health and environmental
26 effects of marina operations and reducing releases of pollutants or
27 contaminants into the environment. To provide the assistance, the

1 office may:

2 (1) compile, organize, and make available for
3 distribution information and grants on pollution prevention,
4 environmental management systems, source reduction, and waste
5 minimization technologies and procedures;

6 (2) sponsor and conduct conferences and
7 individualized workshops on clean marina pollution prevention;

8 (3) develop the information database and data
9 collection programs necessary to set program priorities and to
10 evaluate progress; and

11 (4) develop public education and awareness campaigns
12 and training programs and materials for state and local regulatory
13 personnel and private business and industry.

14 (b) The commission shall provide education and training to
15 river authorities, municipalities, and public groups.

16 (c) The commission shall develop voluntary incentives to
17 promote the implementation of clean marina programs.

18 (d) The commission shall work with the Texas Sea Grant
19 program at Texas A&M University, the Parks and Wildlife Department,
20 and the General Land Office to coordinate activities, perform
21 research, and conduct technical assistance activities related to
22 marina operations.

23 SECTION 4. The heading to Section 31.129, Parks and
24 Wildlife Code, is amended to read as follows:

25 Sec. 31.129. VIOLATION AND ENFORCEMENT OF SEWAGE DISPOSAL
26 REGULATIONS.

27 SECTION 5. Section 31.129, Parks and Wildlife Code, is

1 amended by amending Subsection (a) and adding Subsections (c) and
2 (d) to read as follows:

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

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

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

19 SECTION 6. This Act takes effect September 1, 2009.