

By: Kacal

H.B. No. 4123

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of sport lagoons and granting rulemaking authority.

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

SECTION 1. Title 2, Subtitle D, Water Code, is amended by adding Chapter 33 to read as follows:

Chapter 33. SPORT LAGOONS

Subchapter A. GENERAL PROVISIONS

Sec. 33.001. DEFINITIONS In this Chapter:

(1) "Sport Lagoon" means any artificial, permanently installed or non-portable structure, basin, chamber, or tank containing a minimum of 4.5 million gallons of non-potable water used for swimming, diving, aquatic sports, or other aquatic activities. For purposes of this Chapter, a "sport lagoon" is not a "public swimming pool" as defined in Chapter 341, Health & Safety Code, nor is it subject to Chapter 341, Health & Safety Code.

(2) "Commission" means the Texas Commission on Environmental Quality.

SECTION 2. Subchapter B, Chapter 33, Water Code is added to read as follows:

SUBCHAPTER B. PERMITS

Sec. 33.011. APPLICATION FOR PERMIT. Any person may apply to the Commission for a permit to construct and operate a sport lagoon.

1 Sec. 33.012. APPLICATION FORM. The Commission shall
2 prescribe a form on which an application for a permit may be made
3 and shall make the form available online and upon request.

4 Sec. 33.013. CONTENTS OF APPLICATION. The application for
5 a permit shall:

6 (1) state the applicant's name, business address, and
7 permanent mailing address;

8 (2) include all pertinent engineering and design
9 reports that will be used to construct the sport lagoon, water
10 storage facility, and disinfection system;

11 (3) include all pertinent information to demonstrate
12 that the disinfection system meets or exceeds best practices used
13 in the water recreation industry for sport lagoons as established
14 by organizations like the Centers for Disease Control and
15 Prevention, the International Association of Amusement Parks and
16 Attractions, the World Health Organization, or others; and

17 (4) include other relevant information required by the
18 Commission necessary for the review of the application.

19 Sec. 33.014. APPLICATION FEE. With each application for
20 issuance, renewal, or material amendment of a permit, the applicant
21 shall submit a fee established by the Commission. A fee established
22 by the commission shall not exceed an amount necessary for the
23 operation of the permitting program under this section.

24 Sec. 33.015. REJECTING AN APPLICATION. If an application
25 for a permit does not comply with Section 33.013 of this code or
26 with reasonable rules of the Commission, the Commission may reject
27 the application.

1 Sec. 33.016. SUSPENSION; REFUSAL TO RENEW. The Commission
2 may suspend or refuse to renew a permit for a period not to exceed
3 one year if the permittee:

- 4 (1) violates the provisions of this chapter;
5 (2) violates reasonable rules promulgated under this
6 chapter; or
7 (3) does not maintain a disinfection system that meets
8 or exceeds best practices in the water recreation industry as
9 defined in this chapter.

10 Sec. 33.017. APPEAL. Any person whose permit application
11 is rejected, suspended, or whose application for permit renewal is
12 rejected by the Commission may file a petition in an action to set
13 aside the Commission's act within the 30-day period immediately
14 following the day the applicant receives notice of the Commission's
15 action.

16 Sec. 33.018. SUIT TO COMPEL COMMISSION TO ACT. If the
17 Commission does not approve or reject the application within 90
18 days of submission, the applicant may file an action to compel the
19 Commission to show cause why it should not be directed by the court
20 to take immediate action.

21 Sec. 33.019. VENUE. The venue in actions under this Chapter
22 is fixed exclusively in the district courts of Travis County.

23 SECTION 3. Except as otherwise provided by this Act, this
24 Act takes effect September 1, 2017.