

- SUBJECT:** Requiring licensees to install irrigator systems
- COMMITTEE:** Natural Resources — committee substitute recommended
- VOTE:** 6 ayes — Puente, Hamilton, Gattis, Creighton, Gallego, Hilderbran
0 nays
3 absent — Guillen, Laubenberg, O’Day
- WITNESSES:** For — Carole D. Baker, Harris Galveston Subsidence District; Karen Guz, San Antonio Water System; Gene Reagan, Texas Turf Irrigation Association; Glenda Single, Houston Gulf Coast Irrigation Association; (*Registered, but did not testify*: Ken Kramer, Lone Star Chapter of Sierra Club; Scott Norman, Texas Association of Builders; Jennifer Douglass Nations; Jeffrey D. Walls)
Against — None
- BACKGROUND:** Occupations Code, sec. 1903.251 requires a person to be licensed by the Texas Commission on Environmental Quality (TCEQ) if that person:
- sells, designs, installs, maintains, alters, repairs, or services an irrigation system;
 - provides consulting services relating to an irrigation system; or
 - connects an irrigation system to any water supply.
- DIGEST:** CSHB 1656 would allow a district, and require a municipality with a population of 20,000 or more, to adopt and enforce rules requiring a person to hold a license under Occupations Code, sec. 1903.251 and obtain a permit before installing an irrigation system within its jurisdiction.
- The bill would require a district or municipality that created irrigation installation rules to include minimum standards for designing, installing, and operating irrigation systems in accordance with rules promulgated by TCEQ. The district further would be allowed to employ or contract with a licensed plumbing inspector, the district’s operator, or another government entity to enforce these rules.

CSHB 1656 would allow a district or municipality to recover administrative charges by charging an installer of an irrigation system a fee for obtaining or renewing a permit.

The bill would not apply to on-site sewage disposal systems.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

CSHB 1656 bill would clarify current law that allows TCEQ to ensure that installers of irrigation systems throughout the state are properly licensed and permitted. Irrigation standards are necessary for consumer protection, water conservation, and the protection of municipal and underground water supplies. While TCEQ already is authorized to regulate these contractors, they do not have a practical means to enforce these rules across the state. By allowing districts and requiring municipalities to adopt rules and require permits for these contractors in their jurisdictions, TCEQ could be assured that local government entities were able to uphold a statewide standard for installing irrigation systems. This bill would not include a penalty for noncompliance because the TCEQ already has the ability to levy an administrative penalty on unlicensed contractors.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

Unlike the bill as introduced, the committee substitute would allow districts to adopt and enforce irrigation installation rules and would set the minimum municipal population at 20,000, instead of 5,000, before requiring cities to adopt and enforce irrigation installation rules.

During the 2005 regular session, HB 2914 by Puente, which would have required municipal rulemaking for irrigation system installation, was reported favorably, as substituted, by the Natural Resources Committee, but died in the Calendars Committee.