

BILL ANALYSIS

Senate Research Center

H.B. 1656
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Natural Resources
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

With few exceptions, irrigation systems are installed without any local permitting or inspection requirements, leaving consumers unprotected from systems that are poorly designed or that use excessive amounts of water.

H.B. 1656 requires certain municipalities to require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and obtain a permit before installing an irrigation system, based on certain minimum standards and specifications, to assure that irrigation systems are installed so that water is used efficiently in irrigating landscapes. This bill authorizes water districts to adopt and enforce rules requiring an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and obtain a permit before installing an irrigation system.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 3 (Section 401.006, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1903.251, Occupations Code, as follows:

Sec. 1903.251. LICENSE REQUIRED. (a) Requires a person to hold a license issued by the Texas Commission on Environmental Quality (TCEQ) under Chapter 37 (Occupational Licensing and Regulation), Water Code, if the person inspects an irrigation system for a municipality or water district.

(b) Provides that a person is ineligible for a license under Subsection (a)(4) if the person engages in or has a financial or advisory interest in an entity that engages in an activity under Subsection (a)(1), (2), or (3).

SECTION 2. Amends Subchapter H, Chapter 49, Water Code, by adding Section 49.238, as follows:

Sec. 49.238. IRRIGATION SYSTEMS. (a) Authorizes a district created by authority of either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, regardless of how created (district) to adopt and enforce rules that require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and to obtain a permit before installing a system within the boundaries of the district.

(b) Requires the rules, if a district adopts rules under Subsection (a), to include minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with Section 1903.053 (Standards), Occupations Code, and any rules adopted by TCEQ under that section.

(c) Authorizes a district to employ or contract with a licensed plumbing inspector, a licensed irrigation inspector, the district's operator, or another governmental entity to enforce the rules.

(d) Authorizes a district to charge an installer of an irrigation system a fee for obtaining or renewing a permit under Subsection (a)(2). Requires the district to set the fee in an amount sufficient to enable the district to recover the cost of administering this section.

(e) Provides that this section does not apply to an on-site sewage disposal system, as defined by Section 366.002 (Definitions), Health and Safety Code, or an irrigation system used on or by an agricultural operation as defined by Section 251.002 (Definitions), Agriculture Code, or connected to a groundwater well used by the property owner for domestic use.

SECTION 3. Amends Chapter 401, Local Government Code, by adding Section 401.006, as follows:

Sec. 401.006. IRRIGATION SYSTEMS. (a) Requires a municipality with a population of 20,000 or more by ordinance to require an installer of an irrigation system to hold a license issued under Section 1903.251, Occupations Code, and to obtain a permit before installing a system within the territorial limits or extraterritorial jurisdiction of the municipality.

(b) Requires the ordinance to include minimum standards and specifications for designing, installing, and operating irrigation systems in accordance with Section 1903.053 (Standards), Occupations Code, and any rules adopted by the Texas Commission on Environmental Quality under that section.

(c) Authorizes a municipality to employ or contract with a licensed plumbing inspector or a licensed irrigation inspector to enforce the ordinance.

(d) Authorizes a municipality to charge an installer of an irrigation system a fee for obtaining or renewing a permit under Subsection (a)(2). Requires the municipality to set the fee in an amount sufficient to enable the municipality to recover the cost of administering this section.

(e) Provides that this section does not apply to an on-site sewage disposal system, as defined by Section 366.002 (Definitions), Health and Safety Code, or an irrigation system used on or by an agricultural operation as defined by Section 251.002 (Definitions), Agriculture Code, or connected to a groundwater well used by the property owner for domestic use.

SECTION 4. Effective date: upon passage or September 1, 2007.