

## **BILL ANALYSIS**

C.S.H.B. 2914  
By: Puente  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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.

This bill would require certain municipalities to license installers of irrigation systems and require 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.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 401.006, Local Government Code), SECTION 2 (Sec. 1903.053(b), Occupations Code) and SECTION 3 (transitional language) of this bill.

### **ANALYSIS**

C.S.H.B. 2914 requires a municipality with a population of 5,000 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 limits of the municipality.

The ordinance shall include certain minimum standards and specifications as adopted by the TCEQ for designing, installing and maintaining irrigation systems in accordance with Sec. 1903.053, Occupations Code and any rules adopted by TCEQ under that section.

The committee substitute also clarifies that the proposed changes to section 401.006, Local Government Code do not apply to an on-site sewage disposal system, as defined by Sec. 366.002, Health and Safety Code.

The municipality may employ or contract with a licensed plumbing inspector or a licensed irrigator to enforce the ordinance.

C.S.H.B. 2914 also provides that, pursuant to Sec. 1903.053(b), Occupations Code, the TCEQ shall adopt standards relating to the design, installation, and operation of irrigation systems, the duties and responsibilities of licensed irrigators and rules that provide for effective enforcement of those standards.

The committee substitute provides that not later than June 1, 2006, the TCEQ shall adopt rules as required by Section 1903.053, Occupations Code, as amended by this Act, to take effect January 1, 2007. Not later than January 1, 2007, a municipality with a population of 5,000 or more shall adopt an ordinance under Sec. 401.006, Local Government Code, as added by this Act.

### **EFFECTIVE DATE**

September 1, 2005.

C.S.H.B. 2914 79(R)

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

H.B. 2914, as filed, provided specific irrigation system requirements in the Act. C.S.H.B. 2914, however, specifically directs the TCEQ to adopt standards and rules relating to specific system requirements.

The committee substitute also clarifies that new Sec. 401.006, Local Government Code, requiring certain municipalities to adopt an ordinance regarding irrigation systems does not apply to an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code.