

Amend CSSB 3 (house committee printing) by adding the following appropriately numbered SECTIONS to ARTICLE 2 of the bill and renumbering subsequent SECTIONS of that article accordingly:

SECTION _____. Chapter 5, Water Code, is amended by adding Subchapter S to read as follows:

SUBCHAPTER S. STANDARDS FOR IRRIGATION SYSTEM EQUIPMENT

Sec. 5.901. DEFINITIONS. In this subchapter:

(1) "Evapotranspiration" means the loss of water to evaporation and plant transpiration.

(2) "Evapotranspiration-based irrigation control" means an automatic irrigation control product that uses evapotranspiration data based on climatic conditions and other data to make daily adjustments to irrigation applications so as to conserve water by applying irrigation only in an amount necessary to sustain the healthy growth of plants in a landscaped area.

(3) "Irrigation application" means the duration, frequency, and time of irrigation.

(4) "Irrigation runoff" means surface runoff of water generated when the irrigation application rate exceeds the soil infiltration rate and moisture saturation level.

(5) "Irrigation system" has the meaning assigned by Section 1903.001, Occupations Code.

(6) "Smart irrigation controller" means an automatic irrigation control product that uses actual soil moisture sensing, an evapotranspiration-based irrigation control, or other technology to make periodic adjustments to irrigation applications so as to conserve water by applying irrigation only in an amount necessary to sustain the healthy growth of plants in a landscaped area.

Sec. 5.902. MODEL IRRIGATION SYSTEM EQUIPMENT ORDINANCE.

The commission shall develop a model ordinance for use by each political subdivision of this state that requires new irrigation systems to have smart irrigation controls based on climatic conditions, specific terrains and soil types, and other environmental conditions. The ordinance must include:

(1) a requirement that a new irrigation system located in the political subdivision have a smart irrigation controller

with the capability of automatically controlling irrigation runoff based on the irrigation application rate, soil type, terrain of the landscaped area, or any other factor considered relevant by the commission;

(2) the minimum requirements that must be met to comply with this section for controllers based on various technologies, including:

(A) the manner in which and the frequency with which controllers based on various technologies must collect data;

(B) the manner in which the political subdivision may verify the compliance of controllers based on various technologies; and

(C) whether an independent rain and freeze shut-off device is required based on local climate conditions.

(3) a requirement that the political subdivision withhold a certificate of occupancy for a residential or commercial structure until the political subdivision determines that the irrigation system used by the structure complies with the ordinance;

(4) a requirement that, before the effective date of a contract binding a purchaser to purchase residential or commercial property that has an irrigation system, the purchaser or seller, or both, must ensure that the irrigation system complies with the ordinance;

(5) a requirement that a smart irrigation controller be installed at the time of the repair or alteration of an existing irrigation system if:

(A) the repair or alteration requires the replacement of the controller; or

(B) the irrigation system supplies water to a landscaped area that is to be increased by more than 20 percent;

(6) references to local, state, and federal laws and regulations regarding standards for water-conserving irrigation equipment; and

(7) climate information for developing irrigation applications.

Sec. 5.903. CERTAIN IRRIGATION SYSTEM EQUIPMENT REQUIRED.

(a) After January 1, 2011, an irrigation controller may not be sold or installed in this state unless the irrigation controller is a smart irrigation controller.

(b) The commission shall require each new or existing irrigation system to have a smart irrigation controller that meets the standards for smart irrigation controller capabilities prescribed by Section 5.902(1), Water Code.

SECTION _____. Section 1903.053, Occupations Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) Except as provided by Subsection (e), after June 1, 2009, any installation of a new irrigation system or repair or alteration of an existing system must meet the standard for smart irrigation controller capabilities prescribed by Section 5.902(1), Water Code.

(e) Subsection (d) applies to the repair or alteration of an existing irrigation system only if:

(1) the repair or alteration requires the replacement of the controller; or

(2) the irrigation system supplies water to a landscaped area that is to be increased by more than 20 percent.

SECTION _____. Not later than June 1, 2008, the Texas Commission on Environmental Quality shall adopt rules necessary to implement Subchapter S, Chapter 5, Water Code, and Sections 1903.053(d) and (e), Occupations Code, as added by this Act. In developing the rules necessary to implement those provisions, the commission shall consult with the Irrigator Advisory Council.