

## **BILL ANALYSIS**

C.S.H.B. 1656  
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.

C.S.H.B. 1656 would amend the Local Government Code to require 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.

C.S.H.B. 1656 also amends the Water Code to authorize 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**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1656 amends Subchapter H, Chapter 49, Water Code, by authorizing a 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.

If the district adopts rules, the rules are required to include minimum standards and specifications for designing, installing and maintaining irrigation systems in accordance with Sec. 1903.053, Occupations Code and any rules adopted by the Texas Commission on Environmental Quality under that section.

A district is authorized to employ or contract with a licensed plumbing inspector, the district's operator, or another governmental entity to enforce the rules.

A district is authorized to charge an installer of an irrigation system a fee for obtaining or renewing a permit. The district is required to set the fee in an amount sufficient to enable the district to recover the cost of administering the permit.

C.S.H.B. 1656 amends Chapter 401, Local Government Code by requiring 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 limits of the municipality.

The ordinance is required to include certain minimum standards and specifications for designing, installing and maintaining irrigation systems in accordance with Sec. 1903.053, Occupations Code and any rules adopted by the Texas Commission on Environmental Quality under that section.

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A municipality is authorized to employ or contract with a licensed plumbing inspector to enforce the ordinance.

A municipality is authorized to charge an installer of an irrigation system a fee for obtaining or renewing a permit. The municipality is required to set the fee in an amount sufficient to enable the municipality to recover the cost of administering the permit.

C.S.H.B. 1656 does not apply to an on-site sewage disposal system as defined by Section 366.002, Health and Safety Code.

### **EFFECTIVE DATE**

Upon passage; or if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 1656 increases the applicability of the bill to municipalities with a population of 20,000 or more, from 5,000 or more in the introduced version.

C.S.H.B. 1656 provides that a municipality may employ or contract with a licensed plumbing inspector to enforce the ordinance. The introduced version also allowed contracting with a licensed irrigator.

C.S.H.B. 1656 provides that a municipality can charge an installer a fee for obtaining or renewing a permit (fee sufficient to recover costs of administering the permit program).

C.S.H.B. 1656 allows water districts to voluntarily adopt and enforce rules requiring license and permitting before installing an irrigation system within the boundaries of the district. If the district adopts rules, the rules are required to include minimum standards and specifications for designing, installing and maintaining irrigation systems in accordance with Sec. 1903.053, Occupations Code and any rules adopted by the Texas Commission on Environmental Quality under that section.

C.S.H.B. 1656 provides that a district is authorized to employ or contract with a licensed plumbing inspector, the district's operator, or another governmental entity to enforce the rules.

C.S.H.B. 1656 provides that a district can charge an installer a fee for obtaining or renewing a permit (fee sufficient to recover costs of administering the permit program).

C.S.H.B. 1656 also provides that the language in the bill amending Chapter 49, Water Code (Section 49.238 as added by this Act) does not apply to an on-site sewage disposal system, as defined by Section 366.002, Health and Safety Code.

In C.S.H.B. 1656, language contained in the introduced version requiring that not later than January 1, 2009, a municipality with a population of 5,000 or more shall adopt an ordinance under Section 401.006, Local Government Code, as added by this Act, is removed.