

BILL ANALYSIS

Senate Research Center

S.B. 1838
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Many political subdivisions, businesses, and homes use irrigation systems that water outdoor landscaping on a regular schedule. Often these systems over-water. Many of these systems work on timers, and they may turn on while it is raining or shortly after a rainstorm. Some irrigation system owners may not understand how to adjust their irrigations systems to prevent these occurrences, resulting in waste of water.

As proposed, S.B. 1838 requires new or existing irrigations systems owned by the state or its political subdivisions to have an onsite evaporation controller, or, under certain circumstances, to have a remote evapotranspiration controller. This bill also requires the Texas Commission on Environmental Quality to require every political subdivision of the state to adopt an ordinance requiring new irrigation systems to have evapotranspiration-based irrigation controls.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 5, Water Code, by adding Subchapter S, as follows:

SUBCHAPTER S. STANDARDS FOR IRRIGATION SYSTEM EQUIPMENT

Sec. 5.901. DEFINITIONS. Defines "evapotranspiration," "evapotranspiration-based irrigation control," "irrigation runoff," "irrigation schedule," "irrigation system," "on-site evapotranspiration," "remote evapotranspiration," and "runoff control."

Sec. 5.902. MINIMUM STANDARDS GOVERNING CERTAIN IRRIGATION SYSTEM EQUIPMENT. (a) Provides that this section applies only to an irrigation system owned by this state or a political subdivision of this state.

(b) Requires the Texas Commission on Environmental Quality (TCEQ) to require a new or existing irrigation system to have an on-site evapotranspiration controller, except as provided by Subsection (c).

(c) Requires TCEQ to authorize a new or existing irrigation system to have a remote evapotranspiration controller provided that the system meets certain criteria.

(d) Provides that this section does not apply to a new or existing irrigation system that distributes and conserves water in an area of a certain size.

(e) Requires this state and each political subdivision of this state to comply with this section, not later than January 1, 2008.

Sec. 5.903. MANDATORY IRRIGATION SYSTEM EQUIPMENT ORDINANCE. (a) Requires TCEQ to require each political subdivision of this state to adopt a local ordinance that requires new irrigation systems to have evapotranspiration-based irrigation control systems and irrigation schedules based on climatic conditions, specific terrains

and soil types, and other environmental conditions. Sets forth certain criteria that the ordinance is required to include.

(b) Requires a political subdivision of this state to adopt an ordinance as provided by Subsection (a) not later than January 1, 2009. Requires TCEQ to impose the requirements of this section on new irrigation systems installed in the political subdivision if a political subdivision does not adopt an ordinance by that date.

Sec. 5.904. CERTAIN IRRIGATION SYSTEM EQUIPMENT REQUIRED. Prohibits an irrigation system from being sold or installed in this state after January 1, 2011, unless the irrigation system has an on-site evapotranspiration controller.

SECTION 2. Amends Section 1903.053, Occupations Code, by adding Subsections (d) and (e), as follows:

(d) Requires any installation of a new irrigation system or repair or alteration of an existing system to meet the standard for on-site evapotranspiration capabilities prescribed by Section 5.902(b), Water Code, except as provided by Subsection (e), after January 1, 2008.

(e) Provides that this section applies to the repair or alteration of an existing irrigation system only under certain circumstances.

SECTION 3. Effective date: upon passage or September 1, 2007.