

By: Puente

H.B. No. 1656

A BILL TO BE ENTITLED

AN ACT

relating to regulation of irrigation systems and irrigators.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1903.251, Occupations Code, is amended to read as follows:

Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a license issued by the commission under Chapter 37, Water Code, if the person:

(1) sells, designs, installs, maintains, alters, repairs, or services an irrigation system;

(2) provides consulting services relating to an irrigation system; ~~or~~

(3) connects an irrigation system to a private or public, raw or potable water supply system or any water supply; or

(4) inspects an irrigation system for a municipality or water district.

(b) 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. Subchapter H, Chapter 49, Water Code, is amended by adding Section 49.238 to read as follows:

Sec. 49.238. IRRIGATION SYSTEMS. (a) A district may adopt and enforce rules that require an installer of an irrigation

1 system:

2 (1) to hold a license issued under Section 1903.251,  
3 Occupations Code; and

4 (2) to obtain a permit before installing a system  
5 within the boundaries of the district.

6 (b) If a district adopts rules under Subsection (a), the  
7 rules shall include minimum standards and specifications for  
8 designing, installing, and operating irrigation systems in  
9 accordance with Section 1903.053, Occupations Code, and any rules  
10 adopted by the Texas Commission on Environmental Quality under that  
11 section.

12 (c) A district may employ or contract with a licensed  
13 plumbing inspector, a licensed irrigation inspector, the  
14 district's operator, or another governmental entity to enforce the  
15 rules.

16 (d) A district may charge an installer of an irrigation  
17 system a fee for obtaining or renewing a permit under Subsection  
18 (a)(2). The district shall set the fee in an amount sufficient to  
19 enable the district to recover the cost of administering this  
20 section.

21 (e) This section does not apply to:

22 (1) an on-site sewage disposal system, as defined by  
23 Section 366.002, Health and Safety Code; or

24 (2) an irrigation system:

25 (A) used on or by an agricultural operation as  
26 defined by Section 251.002, Agriculture Code; or

27 (B) connected to a groundwater well used by the

1 property owner for domestic use.

2 SECTION 3. Chapter 401, Local Government Code, is amended  
3 by adding Section 401.006 to read as follows:

4 Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with  
5 a population of 20,000 or more by ordinance shall require an  
6 installer of an irrigation system:

7 (1) to hold a license issued under Section 1903.251,  
8 Occupations Code; and

9 (2) to obtain a permit before installing a system  
10 within the territorial limits or extraterritorial jurisdiction of  
11 the municipality.

12 (b) The ordinance shall include minimum standards and  
13 specifications for designing, installing, and operating irrigation  
14 systems in accordance with Section 1903.053, Occupations Code, and  
15 any rules adopted by the Texas Commission on Environmental Quality  
16 under that section.

17 (c) A municipality may employ or contract with a licensed  
18 plumbing inspector or a licensed irrigation inspector to enforce  
19 the ordinance.

20 (d) A municipality may charge an installer of an irrigation  
21 system a fee for obtaining or renewing a permit under Subsection  
22 (a)(2). The municipality shall set the fee in an amount sufficient  
23 to enable the municipality to recover the cost of administering  
24 this section.

25 (e) This section does not apply to:

26 (1) an on-site sewage disposal system, as defined by  
27 Section 366.002, Health and Safety Code; or

1           (2) an irrigation system:

2                   (A) used on or by an agricultural operation as  
3 defined by Section 251.002, Agriculture Code; or

4                   (B) connected to a groundwater well used by the  
5 property owner for domestic use.

6           SECTION 4. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2007.