

1-1 By: Puente (Senate Sponsor - Averitt) H.B. No. 1656
1-2 (In the Senate - Received from the House May 2, 2007;
1-3 May 7, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 9, Nays 1; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to regulation of irrigation systems and irrigators.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 1903.251, Occupations Code, is amended
1-11 to read as follows:

1-12 Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a
1-13 license issued by the commission under Chapter 37, Water Code, if
1-14 the person:

1-15 (1) sells, designs, installs, maintains, alters,
1-16 repairs, or services an irrigation system;

1-17 (2) provides consulting services relating to an
1-18 irrigation system; [~~or~~]

1-19 (3) connects an irrigation system to a private or
1-20 public, raw or potable water supply system or any water supply; or

1-21 (4) inspects an irrigation system for a municipality
1-22 or water district.

1-23 (b) A person is ineligible for a license under Subsection
1-24 (a)(4) if the person engages in or has a financial or advisory
1-25 interest in an entity that engages in an activity under Subsection
1-26 (a)(1), (2), or (3).

1-27 SECTION 2. Subchapter H, Chapter 49, Water Code, is amended
1-28 by adding Section 49.238 to read as follows:

1-29 Sec. 49.238. IRRIGATION SYSTEMS. (a) A district may adopt
1-30 and enforce rules that require an installer of an irrigation
1-31 system:

1-32 (1) to hold a license issued under Section 1903.251,
1-33 Occupations Code; and

1-34 (2) to obtain a permit before installing a system
1-35 within the boundaries of the district.

1-36 (b) If a district adopts rules under Subsection (a), the
1-37 rules shall include minimum standards and specifications for
1-38 designing, installing, and operating irrigation systems in
1-39 accordance with Section 1903.053, Occupations Code, and any rules
1-40 adopted by the Texas Commission on Environmental Quality under that
1-41 section.

1-42 (c) A district may employ or contract with a licensed
1-43 plumbing inspector, a licensed irrigation inspector, the
1-44 district's operator, or another governmental entity to enforce the
1-45 rules.

1-46 (d) A district may charge an installer of an irrigation
1-47 system a fee for obtaining or renewing a permit under Subsection
1-48 (a)(2). The district shall set the fee in an amount sufficient to
1-49 enable the district to recover the cost of administering this
1-50 section.

1-51 (e) This section does not apply to:

1-52 (1) an on-site sewage disposal system, as defined by
1-53 Section 366.002, Health and Safety Code; or

1-54 (2) an irrigation system:

1-55 (A) used on or by an agricultural operation as
1-56 defined by Section 251.002, Agriculture Code; or

1-57 (B) connected to a groundwater well used by the
1-58 property owner for domestic use.

1-59 SECTION 3. Chapter 401, Local Government Code, is amended
1-60 by adding Section 401.006 to read as follows:

1-61 Sec. 401.006. IRRIGATION SYSTEMS. (a) A municipality with
1-62 a population of 20,000 or more by ordinance shall require an
1-63 installer of an irrigation system:

1-64 (1) to hold a license issued under Section 1903.251,

2-1 Occupations Code; and
2-2 (2) to obtain a permit before installing a system
2-3 within the territorial limits or extraterritorial jurisdiction of
2-4 the municipality.

2-5 (b) The ordinance shall include minimum standards and
2-6 specifications for designing, installing, and operating irrigation
2-7 systems in accordance with Section 1903.053, Occupations Code, and
2-8 any rules adopted by the Texas Commission on Environmental Quality
2-9 under that section.

2-10 (c) A municipality may employ or contract with a licensed
2-11 plumbing inspector or a licensed irrigation inspector to enforce
2-12 the ordinance.

2-13 (d) A municipality may charge an installer of an irrigation
2-14 system a fee for obtaining or renewing a permit under Subsection
2-15 (a)(2). The municipality shall set the fee in an amount sufficient
2-16 to enable the municipality to recover the cost of administering
2-17 this section.

2-18 (e) This section does not apply to:

2-19 (1) an on-site sewage disposal system, as defined by
2-20 Section 366.002, Health and Safety Code; or

2-21 (2) an irrigation system:
2-22 (A) used on or by an agricultural operation as
2-23 defined by Section 251.002, Agriculture Code; or

2-24 (B) connected to a groundwater well used by the
2-25 property owner for domestic use.

2-26 SECTION 4. This Act takes effect immediately if it receives
2-27 a vote of two-thirds of all the members elected to each house, as
2-28 provided by Section 39, Article III, Texas Constitution. If this
2-29 Act does not receive the vote necessary for immediate effect, this
2-30 Act takes effect September 1, 2007.

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