

By: Paxton, Cook of Navarro, Gallego, O'Day,
et al.

H.B. No. 2299

Substitute the following for H.B. No. 2299:

By: Puente

C.S.H.B. No. 2299

A BILL TO BE ENTITLED

AN ACT

relating to equipment used for irrigation systems.

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

SECTION 1. 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,

1 an evapotranspiration-based irrigation control, or other
2 technology to make periodic adjustments to irrigation applications
3 so as to conserve water by applying irrigation only in an amount
4 necessary to sustain the healthy growth of plants in a landscaped
5 area.

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

9 (b) The commission shall require a new or existing
10 irrigation system to have a smart irrigation controller that:

11 (1) receives evapotranspiration data in a manner
12 prescribed by commission rule; and

13 (2) includes an independent local rain and freeze
14 shut-off device.

15 (c) This section does not apply to an existing irrigation
16 system if the cost of installing a smart irrigation controller will
17 exceed the amount of money saved by the installation over a period
18 of one year.

19 (d) The commission shall establish guidelines to assist
20 political subdivisions in determining for purposes of Subsection
21 (c) whether the cost of installing a smart irrigation controller
22 will exceed the amount of money saved by the installation.

23 (e) Not later than June 1, 2009, this state and each
24 political subdivision of this state must comply with this section.

25 Sec. 5.903. MANDATORY IRRIGATION SYSTEM EQUIPMENT
26 ORDINANCE. (a) The commission shall develop a model ordinance for
27 use by each political subdivision of this state that requires new

1 irrigation systems to have smart irrigation controls based on
2 climatic conditions, specific terrains and soil types, and other
3 environmental conditions. The ordinance must include:

4 (1) a requirement that an irrigation system located in
5 the political subdivision have a smart irrigation controller with:

6 (A) an independent rain and freeze shut-off
7 device; and

8 (B) the capability of automatically controlling
9 irrigation runoff based on the irrigation application rate, soil
10 types, and terrains of the landscaped area;

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

14 (A) the manner in which evapotranspiration-based
15 irrigation controls receive data;

16 (B) the frequency with which controllers based on
17 various technologies must collect data; and

18 (C) the manner in which the political subdivision
19 must verify the compliance of controllers based on
20 subscription-based technologies;

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

26 (4) a requirement that, before the effective date of a
27 contract binding a purchaser to purchase residential or commercial

1 property that has an irrigation system, the purchaser or seller, or
2 both, must ensure that the irrigation system complies with the
3 ordinance;

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

7 (6) climate information for developing irrigation
8 applications.

9 (b) A political subdivision of this state shall adopt an
10 ordinance that meets or exceeds the requirements provided by
11 Subsection (a) not later than June 1, 2009. If a political
12 subdivision does not adopt an ordinance by that date, the political
13 subdivision shall adopt the model ordinance described by Subsection
14 (a).

15 (c) This section does not apply to a political subdivision
16 that does not have authority under other law to adopt or enforce an
17 ordinance described by Subsection (b).

18 Sec. 5.904. CERTAIN IRRIGATION SYSTEM EQUIPMENT REQUIRED.

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

22 (b) The commission shall require each new or existing
23 irrigation system to have a smart irrigation controller that
24 includes an independent local rain and freeze shut-off device.

25 SECTION 2. Section 1903.053, Occupations Code, is amended
26 by adding Subsections (d) and (e) to read as follows:

27 (d) Except as provided by Subsection (e), after June 1,

1 2009, any installation of a new irrigation system or repair or
2 alteration of an existing system must meet the standard for smart
3 irrigation controller capabilities prescribed by Section 5.902(b),
4 Water Code.

5 (e) This section applies to the repair or alteration of an
6 existing irrigation system only if:

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

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

11 SECTION 3. Not later than June 1, 2008, the Texas Commission
12 on Environmental Quality shall adopt rules necessary to implement
13 Subchapter S, Chapter 5, Water Code, and Sections 1903.053(d) and
14 (e), Occupations Code, as added by this Act.

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