

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 21, 2009**

**TO:** Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2339** by Miller, Sid (Relating to the regulation of licensed irrigators.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB2339, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue Gain/(Loss) from Occupational Licensing 468</b>
2010	(\$113,320)
2011	(\$46,620)
2012	(\$26,640)
2013	(\$94,905)
2014	(\$38,295)

**Fiscal Analysis**

The bill would repeal requirements in the Occupations Code requiring the Texas Commission on Environmental Quality (TCEQ) to adopt rules and enforce standards governing the design, installation, and operation of landscape irrigation systems. It would prohibit the agency from adopting rules requiring a licensed landscape irrigator to complete maintenance checklists; include an irrigator's telephone number on stickers required to be affixed to an irrigation system; provide a copy of the irrigation plan to the owner of the irrigation system or the owner's representative; or obtain the signature of the owner of the irrigation system or the owner's representative confirming receipt of any written warranty covering the installation of an irrigation system. The bill provides that the Governor, rather than the TCEQ, appoint the Landscape Irrigation Advisory Council. The bill would also require landscape irrigators to provide on-site supervision at all times while a landscape irrigation system is being installed or ensure that a copy of the irrigation plan for a site is on-site and available to the

employees installing the landscape irrigation system at all times while the system is being installed.

### **Methodology**

Under current law, the TCEQ enforces standards governing the design, installation, and operation of irrigation systems. In addition, municipalities with a population of 20,000 or more are required to implement a landscape irrigation permitting, inspection, and enforcement program. Water districts are also allowed to implement such a program. The bill would require the TCEQ to repeal rules governing the design, installation, and operation of landscape irrigation systems. Upon passage of the legislation, licensed irrigators would not need to be on-site if a copy of the irrigation plan for the site is on-site and available to the employees installing the landscape irrigation system at all times while the system is being installed. As a result, the TCEQ expects the bill to result in a reduction in the number of individuals obtaining irrigation technician licenses.

The TCEQ reports that an irrigator's license costs \$111 and is valid for three years. Assuming that only 40 percent of individuals would choose to become or remain licensed upon passage of the bill, it is estimated that the bill's passage would result in a revenue loss to the General Revenue-Dedicated Occupational Licensing Account No. 468 by the amounts shown in the table above.

### **Local Government Impact**

The bill could result in municipalities over 20,000 adopting or amending landscaping ordinances. Any associated costs are not expected to be significant.

**Source Agencies:** 582 Commission on Environmental Quality

**LBB Staff:** JOB, JRO, ZS, TL