

BILL ANALYSIS

C.S.H.B. 3837
By: Lucio III
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that rainwater harvesting is a strategy that will help enable the state to meet future water demands. The parties contend that persons installing or maintaining certain rainwater harvesting systems should be licensed to ensure that they have the appropriate education, training, and expertise to protect the public health. The parties also contend that licensing will help promote proper installation and maintenance practices, raise public awareness of the need for water conservation, and promote active participation by citizens. C.S.H.B. 3837 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3837 amends the Agriculture Code to require a person to hold a license issued by the Department of Agriculture (TDA) under the bill's provisions or hold a master plumber or journeyman plumber license issued by the Texas State Board of Plumbing Examiners and a water supply protection specialist endorsement issued by the board in order for the person to be authorized to install or maintain or offer to install or maintain, for compensation, a rainwater harvesting system with a capacity of more than 500 gallons. The bill makes the license requirement effective September 1, 2016.

C.S.H.B. 3837 requires the TDA to issue a license to an applicant who meets eligibility requirements, submits an application on a form prescribed by the TDA, and pays the required application fee. The bill requires the TDA to review and approve or reject each application for the issuance or renewal of a license, to issue each license, and to deny, suspend, or revoke a license or otherwise discipline a license holder. The bill requires the TDA to adopt rules that are reasonable and necessary for the performance of the TDA's duties under the bill's rainwater harvesting provisions, including rules to establish licensing and other fees, license renewal dates, procedures for disciplinary actions, and standards for the installation and maintenance of rainwater harvesting equipment by a license holder.

C.S.H.B. 3837 requires an applicant, in order to be eligible for a license, to successfully complete a rainwater harvesting training program approved by the TDA and pass an examination administered or approved by the TDA. The bill makes a license valid for three years and authorizes a license holder to renew the license by paying the required renewal fee, submitting

the appropriate form, and meeting any other requirement established by TDA rule. The bill requires the TDA by rule to adopt, monitor, and enforce a reporting program for the continuing education of license holders. The bill requires the TDA to adopt and administer rules that establish the number of hours of continuing education the TDA determines appropriate as a prerequisite to the renewal of a license and that adopt a process to assess a license holder's participation in continuing education courses.

C.S.H.B. 3837 authorizes the TDA to suspend or revoke a license if the license holder violates the bill's rainwater harvesting provisions or a rule adopted under such provisions. The bill, effective September 1, 2016, subjects a person who violates the bill's rainwater harvesting provisions or a rule or order adopted by the TDA under such provisions to an administrative penalty of not more than \$5,000 regardless of whether the person holds a license under the bill's provisions. The bill requires the TDA, not later than March 1, 2016, to adopt rules necessary to implement the bill's rainwater harvesting provisions.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3837 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Title 7, Agriculture Code, is amended by adding Chapter 202 to read as follows:	SECTION 1. Title 7, Agriculture Code, is amended by adding Chapter 202 to read as follows:
<u>CHAPTER 202. RAINWATER HARVESTING</u>	<u>CHAPTER 202. RAINWATER HARVESTING</u>
<u>SUBCHAPTER A. POWERS AND DUTIES OF DEPARTMENT</u>	<u>SUBCHAPTER A. POWERS AND DUTIES OF DEPARTMENT</u>
<u>Sec. 202.001. RULES.</u>	<u>Sec. 202.001. RULES.</u>
<u>Sec. 202.002. LICENSING AND REGULATORY DUTIES.</u>	<u>Sec. 202.002. LICENSING AND REGULATORY DUTIES.</u>
<u>SUBCHAPTER B. RAINWATER HARVESTING LICENSE</u>	<u>SUBCHAPTER B. RAINWATER HARVESTING LICENSE</u>
<u>Sec. 202.051. LICENSE REQUIRED.</u>	<u>Sec. 202.051. LICENSE REQUIRED.</u>
<u>Sec. 202.052. ISSUANCE OF LICENSE.</u>	<u>Sec. 202.052. ISSUANCE OF LICENSE.</u>
<u>Sec. 202.053. ELIGIBILITY REQUIREMENTS.</u>	<u>Sec. 202.053. ELIGIBILITY REQUIREMENTS.</u>
<u>Sec. 202.054. LICENSE TERM AND RENEWAL.</u>	<u>Sec. 202.054. LICENSE TERM AND RENEWAL.</u>

Sec. 202.055. CONTINUING EDUCATION REQUIREMENTS.

SUBCHAPTER C. PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 202.101. LICENSE SUSPENSION OR REVOCATION.

Sec. 202.102. CRIMINAL PENALTY. (a) A person commits an offense if the person violates Section 202.051. (b) An offense under this section is a Class C misdemeanor.

SECTION 2. Section 12.020(c), Agriculture Code, is amended.

SECTION 3. Not later than March 1, 2016, the Department of Agriculture shall adopt rules necessary to implement Chapter 202, Agriculture Code, as added by this Act.

SECTION 4. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2015.
(b) Section 12.020(c), Agriculture Code, as amended by this Act, and Sections 202.051 and 202.102, Agriculture Code, as added by this Act, take effect September 1, 2016.

Sec. 202.055. CONTINUING EDUCATION REQUIREMENTS.

SUBCHAPTER C. PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 202.101. LICENSE SUSPENSION OR REVOCATION.

Sec. 202.102. ADMINISTRATIVE PENALTY. A person who violates this chapter or a rule or order adopted by the department under this chapter is subject to an administrative penalty under Section 12.020, regardless of whether the person holds a license under this chapter.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Same as introduced version.