

- SUBJECT:** Creating an offense for installing an irrigation system without a license
- COMMITTEE:** Natural Resources — favorable, without amendment
- VOTE:** 9 ayes — Ritter, T. King, Beck, Creighton, Hopson, Keffer, Larson, Lucio, D. Miller
- 0 nays
- 2 absent — Martinez Fischer, Price
- WITNESSES:** For — Troy Ellison, Texas Turf Irrigation Association; Jim Reaves, Texas Nursery and Landscape Association; (*Registered, but did not testify:* Donovan Burton, San Antonio Water System; Heather Cooke, City of Austin and Austin Water Utility)
- Against — None
- BACKGROUND:** Occupations Code, sec. 1903.251 requires a person to be licensed by the Texas Commission on Environmental Quality (TCEQ) if that person:
- sells, designs, installs, maintains, alters, repairs, or services an irrigation system;
 - provides consulting services relating to an irrigation system; or
 - connects an irrigation system to any water supply.
- DIGEST:** HB 2507 would make it a class C misdemeanor (maximum fine of \$500) to install an irrigation system without holding a license. This would not apply to people working in their own yard or who were maintaining the system.
- The bill would take effect September 1, 2011.
- SUPPORTERS SAY:** The TCEQ does not have the authority under current law to punish people for installing an irrigation system without a license. HB 2507 would create such an offense. This bill is necessary because irrigation system installers have the potential to contaminate potable water if the installation is not done properly. A minor criminal penalty of a class C misdemeanor with a

maximum fine of \$500 and no jail time would be an appropriate punishment.

OPPONENTS
SAY:

While it is not clear that licensing irrigation system installers is necessary, if the state is going to continue to license this occupation, civil and administrative penalties would be more appropriate than a criminal penalty as an enforcement tool. For example, if someone installing an irrigation system disrupted a water or sewage line, they could be held civilly liable for the costs associated with that. Criminal penalties should exist only for agencies overseeing practices that can have dire consequences on the public health and welfare.