

TEXAS BOARD OF IRRIGATORS

November 1990

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SUMMARY

Summary

The Texas Board of Irrigators is subject to the Sunset Act and will be automatically abolished unless statutorily continued by the 72nd Legislature in 1991. The regulation of landscape irrigators was initially reviewed under the sunset process in 1979 as part of the review of the Texas State Board of Landscape Architects. The commission made no recommendations to the legislature concerning the regulation of landscape irrigators; however, separate legislation was enacted by the 66th Legislature which continued the regulation and created the Texas Board of Irrigators to carry out the regulatory function.

The review of the board included an assessment of the need for continued regulation; benefits that could be gained through transfer of all or part of the agency's functions to another existing agency; and changes needed if the agency was continued using its current organizational structure. The results are summarized below.

Assessment of Need for Agency Functions

The review concluded that the state should continue the regulation of the occupation of landscape irrigation. The primary goal of the regulation, to protect potable water supplies, continues to be served through the functions of the agency.

Assessment of Organizational Alternatives

The agency currently is administratively attached to the Texas Water Commission. Although the review identified several other agencies which could perform the regulatory function, no fiscal or programmatic advantages would result if the function were transferred.

Recommendations if Agency is Continued

- The statute should be changed to require the governor to name the chairman of the board.
- The statute should be amended to transfer the authority to sanction licensees from the Texas Water Commission to the Texas Board of Irrigators. In addition the statute should:
 - provide the board with a full range of penalties; and
 - require the Texas Water Commission to provide assistance to the agency in conducting investigations and holding hearings.

Fiscal Impact

No significant changes in the costs of board operations or in revenues would be expected from implementation of the recommendations.

BACKGROUND

Creation and Powers

The Texas Board of Irrigators was created by the legislature in 1979 to protect the quality of public and private water supplies through the examination and licensure of landscape irrigators. Prior to the creation of the board, landscape irrigation was regulated by the Texas State Board of Landscape Architects. As a result of the review of the Board of Landscape Architects by the Sunset Commission in 1979, the regulation of landscape architects was transferred to the Texas Board of Architectural Examiners. No recommendation as to the continuance of the regulation of irrigators was made by the Sunset Commission at that time. However, a separate board to perform this regulation was created by the legislature in 1979. The administrative activities of the board were assigned to the Texas Department of Water Resources at that time.

The main responsibilities of the agency are to examine and license qualified applicants as irrigators or licensed installers, setting uniform standards for landscape irrigation connections to public and private water supplies, and to enforce the requirements of the Licensed Irrigators Act and board rules through a complaint review process. No significant changes to the responsibilities of the board have been enacted since 1979.

Policy-making Body

The board has six members appointed by the governor and confirmed by the senate. Board members serve on a part-time basis for staggered six-year terms. Four members must be licensed irrigators who have been actively engaged in the practice of landscape irrigation for at least five years. The two remaining members must be members of the general public. The board's primary responsibilities include:

- selection of an executive secretary to carry out the administrative activities of the agency;
- adoption of rules governing its business and proceedings, standards for connections to public and private water supplies, and standards of professional conduct and ethics for practitioners of landscape irrigation;
- investigating complaints against licensed and unlicensed irrigators; and
- enforcement of the Licensed Irrigators Act and board rules.

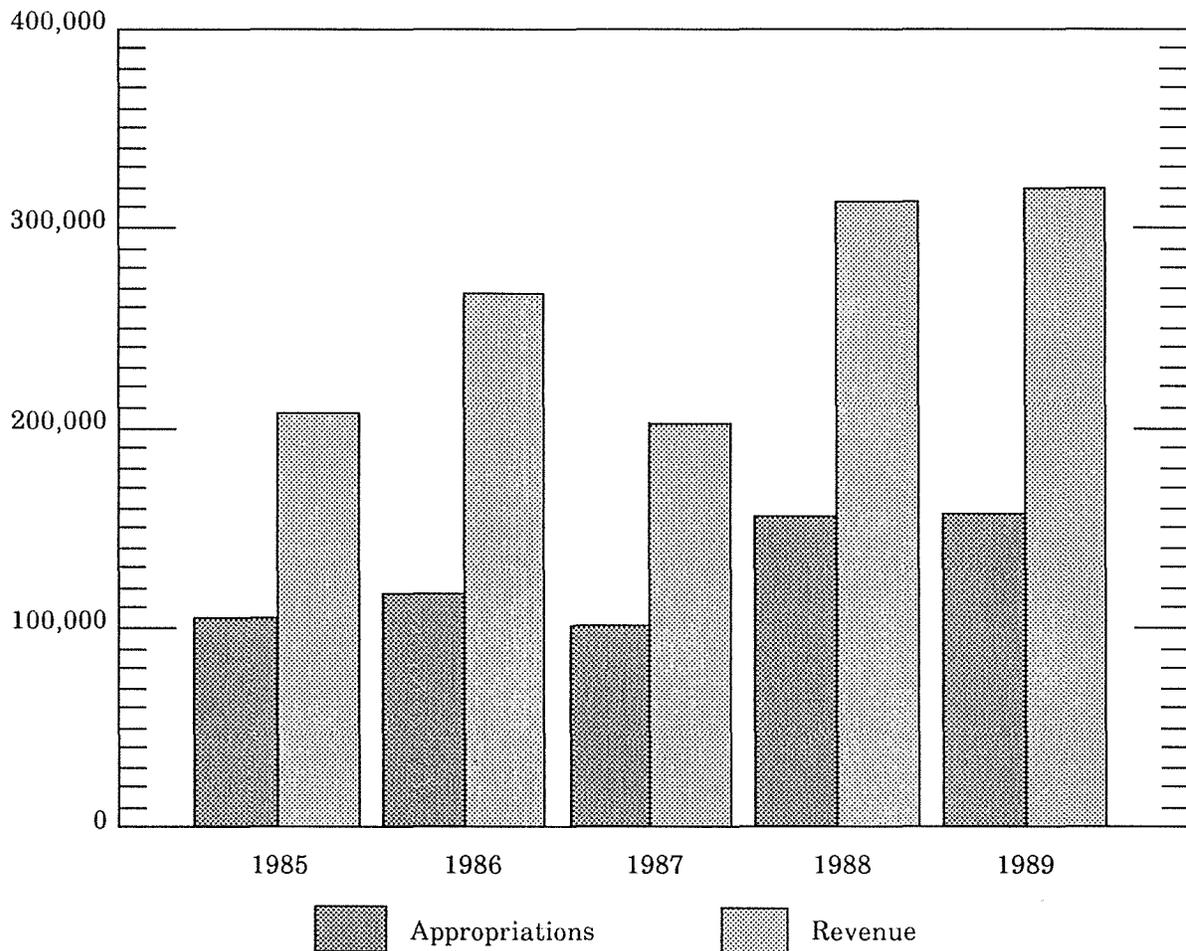
The board meets five to six times a year, generally in Austin, to perform the duties described above.

Funding and Organization

In fiscal year 1990, the agency was appropriated \$165,097. These appropriations come from special funds supported solely by fees collected by the agency. None of the money appropriated to the board comes from the general revenue fund. Fees collected by the agency generally exceed the amounts appropriated to the agency. An

appropriations act rider requires that at the end of each fiscal year, all agency funds in excess of 33 percent of the amount appropriated for the next fiscal year be transferred to the general revenue fund. Exhibit A shows agency appropriations and revenues generated for the past five years. Expenditures have generally closely matched appropriation amounts.

Exhibit A
Agency Appropriations and Revenues
Fiscal Years 1985 - 1989



The board employs a full-time staff of three. This includes the executive secretary, an accountant and an administrative technician. The administrative offices are located with the offices of the Texas Water Commission in Austin. Exhibit B depicts how the agency's work force has changed over a five-year period in categories of employment. Since the state appropriations act establishes minority employment goals for these categories, the agency's minority employment is also depicted by category over this time period.

Exhibit B
Percentage of Minorities in Agency's Workforce

Job Category	1986 Total Workforce 3		1990 Total Workforce 3		1990-1991 Appropriations Act Statewide Goal for Minority Workforce Representation
	Total Positions	% Minority	Total Positions	% Minority	
Administrators	1	0%	1	0%	14%
Administrative Support	2	0%	2	0%	25%

Programs and Functions

The agency administers two functions, the licensing of irrigators and installers and the enforcement of the act and board rules.

Licensing

The primary function of the agency, licensing qualified applicants to practice irrigation, is composed of several activities. These activities include the processing of applications, the administration of an examination, and the issuance and renewal of licenses. There are several statutory exemptions to licensure under the act. The exemptions include licensed plumbers, architects, landscape architects and engineers, and most people who do not install irrigation systems for compensation, such as homeowners, or employees of governmental subdivisions.

There are no educational or experience requirements that must be met prior to taking the examination for either an irrigator or installer license. Applicants for either examination must be of "good moral character" and complete an examination form and submit it along with a fee of \$75 for an irrigator exam, or \$35 for an installer exam, at least 45 days prior to the examination date. The agency holds examinations for two to three days three times a year. The licensed irrigator exam currently has five sections. Four sections contain written questions pertaining to various technical aspects of installing irrigation systems and ensuring the protection of the water supply as the system is hooked up to the supply. The fifth section requires applicants to answer system design questions and to design an irrigation system. The five sections of this exam usually take a full day to complete.

The licensed installer exam contains less technical items, although it also tests an applicants knowledge regarding protection of water supplies as systems are installed. There are no questions relating to irrigation system design on the installer exam. The installer exam takes one and a half hours to complete.

An applicant must make an overall score of 70 to pass either examination. The board members and agency staff administer the exams with the assistance of volunteer licensed irrigators selected by the board. During fiscal years 1988 and 1989, 1,233 persons took the exams. Roughly half of the examinees passed the exam and were issued licenses.

Once an applicant has passed the examination, the person is issued a license and must obtain a personalized seal or stamp to use on all professional documents. Licenses expire on August 31 of each year unless they are renewed. Licenses may be renewed for up to 90 days after August 31 upon payment of a penalty in addition to the renewal fee. The annual renewal fee for licensed irrigators is \$85 and the renewal fee for licensed installers is \$50. As of August, 1990, there were 2,942 licensed irrigators in the state and 86 licensed installers.

Once licensed, the irrigator may design and install an irrigation system and hook it up to a public water supply. An installer, however, may not design a irrigation system, but generally would install a system and attach it to the water supply.

Enforcement

The board, along with the Texas Water Commission (TWC), is responsible for enforcing the statutes regulating landscape irrigation. The agency's enforcement efforts are directed toward persons who perform landscape irrigation services for compensation without a license and licensees or other persons who violate the act or board rules. Most enforcement activity is generated through written complaints to the board. Over the five fiscal years from 1985 to 1989, there were 261 complaints filed with the board. About two-thirds of the complaints were against unlicensed individuals and the remainder were against either licensed irrigators or installers.

Once a written complaint is received by the agency, a board member is assigned to investigate the matter and a letter requesting the assistance of the local Texas Water Commission field office is sent. The agency has an inter-agency contract with the TWC to provide investigative and legal assistance on enforcement matters. The board member and a TWC investigator generally investigate the matter. Many cases are resolved during the investigation due to the board members' efforts to arbitrate the problem at that time. If no agreement to resolve the matter can be reached, the case is put on the agenda of the next board meeting for an informal hearing. The complainant and the respondent are notified of the meeting and are given an opportunity to present any information or testimony to the board. The board member who investigated the case will present a report and make a recommendation as to disposition of the matter.

The board has several options available if the matter is not resolved informally at the hearing. First, if the board determines the complaint does not warrant further action, the matter is dismissed. If the board determines that further enforcement action is needed, the board issues an order referring the complaint to the TWC for proceedings to revoke the license and/or to the attorney general's office for civil action. Only complaints against licensees may be referred to the TWC. The commission holds a formal hearing, conducted by a TWC hearing officer, who makes a recommendation on disposition of the case to the TWC. The TWC can either revoke or suspend a license, or dismiss the case. Two cases were referred to the TWC in fiscal years 1989 and 1990, and one license was revoked.

Cases against both licensees and unlicensed irrigators can be referred by the board to the attorney general's office for civil action. The statute provides for fines of up to \$1,000 per violation of the Licensed Irrigators Act. Twenty-nine cases were referred to the attorney general's office in fiscal years 1989 and 1990. There were six cases decided or settled by the attorney general's office in this time period resulting in fines of \$3,400 payable to the Board of Irrigators. There were also seven injunctions issued in fiscal years 1989 and 1990 in response to cases filed by the attorney general's office. Unlicensed individuals who practice landscape irrigation are also subject to criminal misdemeanor penalties, but the board has not pursued any criminal sanctions in the past five years.

RESULTS OF REVIEW

Overall Approach to the Review

Overall Approach to the Review

Prior Sunset Review

The regulation of landscape irrigators was previously reviewed in 1979 as part of the review of the Texas State Board of Landscape Architects (TSBLA). As part of the current review of the Texas Board of Irrigators, the staff examined the previous staff report, the recommendations adopted by the Sunset Commission, and any statutory changes made to the regulation of irrigators at that time.

The previous staff report on the TSBLA determined that if the legislature decided to continue the regulation of irrigators, the regulation should be merged with the regulatory activities of other design occupations in a single licensing agency. The staff also suggested that any ambiguity regarding whether licensed irrigators, in addition to plumbers, can make connections to potable water supplies be resolved.

The Sunset Commission, however, made no recommendations to the legislature concerning the regulation of landscape irrigators. The commission indicated that the regulation of landscape irrigators through licensing could be discontinued without harm to the public if specific provisions, such as bonding requirements, were provided under general law.

Separate legislation was enacted by the 66th Legislature which created the Texas Board of Irrigators as an independent licensing board, administratively attached to the Texas Department of Water Resources. The ambiguity concerning whether irrigators can make connections to water supplies was resolved by specifically authorizing licensed irrigators to make such connections. Most of the sunset across-the-board provisions were included in the legislation passed by the 66th Legislature. The bill authorized all of the regulatory functions previously described in the background section of this report. No significant changes have been made to the regulation of landscape irrigators since 1979.

Approach to Current Review

The current sunset review of the Texas Board of Irrigators covered all aspects of the agency's activities. In accordance with the Sunset Act, the review focused on an assessment of: 1) whether there is a continuing need for the regulation of landscape irrigators in Texas; 2) whether there are alternative organizational approaches for carrying out the board's functions more effectively; and 3) whether changes could be made to improve the efficiency and effectiveness of the board if it is continued in its present structure.

A number of activities were undertaken by the sunset staff to assess the need for regulation of landscape irrigators and to gain a better understanding of the board's current approach to this area of regulation. These activities included:

- interviews with the executive secretary and the staff of the agency;
- observation of a board meeting including an informal hearing;

- reviews of various agency documents and records, legislative and budget documents, and literature concerning the regulation of landscape irrigators;
- review of the staff recommendations and legislation passed after the sunset review of the regulation of irrigators in 1979; and
- telephone discussions with members of interest groups and individuals affected by the activities of the agency.

The results of the review are addressed in the three following sections: 1) Assessment of Need for Agency Functions; 2) Assessment of Organizational Alternatives; and 3) Recommendations if Agency is Continued.

Assessment of Need for Agency Functions

ISSUE 1: The state should continue the regulation of the occupation of landscape irrigation.

BACKGROUND

Government regulation of an occupation is not justified unless three conditions are met. First, the unlicensed practice of the occupation should pose a serious risk to the public's health, safety or economic well-being. Second, the benefits to the public should clearly outweigh any potential harmful effects, such as a decrease in the availability of practitioners. Finally, the duties of the occupation should be of a complexity that consumers cannot properly evaluate the appropriateness of the service and the qualifications of the practitioners.

To assess whether the above conditions exist to an extent that would justify the agency's continuation, the 1979 staff report prepared for the Sunset Commission was reviewed and the board's current functions were evaluated. The assessment indicated the following:

- ▶ **The 1979 sunset staff review of the Texas State Board of Landscape Architects, which regulated landscape irrigators at that time, concluded that if the regulation of landscape irrigators was continued by the legislature, the regulation should be merged with the regulatory activities of other design occupations in a single licensing agency.**
 - Although the specific approach of developing a single design occupation regulatory agency has not been implemented, the cost efficiency inherent in that approach has been accomplished by placement of the board inside the Texas Water Commission.
- ▶ **The current evaluation of the need to continue regulation of landscape irrigation in Texas determined that the regulation addresses public safety needs by ensuring the qualifications of people who connect landscape irrigation systems to the public water supply. Continued regulation is warranted to protect the quality of public water supplies.**
 - The board examines applicants for an irrigator or installer license on their knowledge of and ability to install proper devices to prevent contamination of the public water supply when installing an irrigation system.
- ▶ **The board performs consumer protection activities by ensuring the general competence of landscape irrigators.**
 - An individual's competence is determined through the exam process, and the general competence of practitioners is ensured by efforts to

resolve consumer complaints, and through the agency's enforcement activities regarding violations of the statute or rules of the board.

▶ **Discontinuing licensure of landscape irrigators would likely result in increased costs to the consumer.**

- Most cities require either a licensed irrigator or a licensed plumber to obtain a permit to make a connection to the public water supply unless a homeowner installs the system himself. If irrigators were no longer licensed, a landscape irrigator would have to hire a licensed plumber to obtain the city permit and make the connection to the water supply. It is estimated that this situation could add about \$100 to \$300 to the cost of having a sprinkler system installed.

RECOMMENDATION

- **The state should continue the regulation of the occupation of landscape irrigation.**

Continuing the regulation of landscape irrigators would assist in the protection of potable water supplies and would provide assurance to the public that persons performing landscape irrigation services have shown a level of competence in their trade. Under this recommendation, the board would continue to provide a mechanism for consumers to have valid complaints heard and for action to be taken to resolve these complaints.

FISCAL IMPACT

If the regulation is continued using the existing board structure, the board's annual appropriation of approximately \$160,000 per year would need to be continued. Since the board's expenditures are fully supported by fees collected from licensees, there would be no fiscal impact to general revenue.

Assessment of Organizational Alternatives

ISSUE 2: The Texas Board of Irrigators should be continued as a separate agency administratively attached to the Texas Water Commission.

BACKGROUND

As a part of a sunset review, an analysis is made which examines any benefits that might occur from combining an agency's duties and functions with another state agency. Combining activities of different agencies can result in benefits such as eliminating administrative duplication, cost reduction, and increasing the quality of services that are provided to the community or occupation being regulated.

The Texas Board of Irrigators is an independent board; however, the statute provides for certain functions to be performed by the Texas Water Commission. For example, the statute requires the executive director of the Texas Water Commission to provide necessary services to assist the executive secretary and the board in performing their duties and functions. Final disciplinary action against licensees is the responsibility of the Texas Water Commission and not the Texas Board of Irrigators.

An assessment of existing agencies that offer a potential for transfer indicated that several agencies could perform the board's regulatory functions. These agencies include the Texas Department of Licensing and Regulation, the Texas Department of Health, and the Texas State Board of Plumbing Examiners. A review of the impact and benefits of transferring the regulation of landscape irrigators to any of the agencies set out above indicated the following:

- ▶ **Transferring the functions to another agency would not be an efficient alternative to the current structure since the board already is part of an "umbrella" agency.**
 - The agency currently receives many administrative services from the Texas Water Commission. These services include assistance in investigating complaints, legal services, data processing and graphic arts.
 - The mission of both the Texas Board of Irrigators and the Texas Water Commission is to protect the quality of water in the state. Administratively attaching the TBI to the commission is an appropriate mechanism to assist both agencies in carrying out their responsibilities.
 - No particular advantages were identified from solely transferring the functions of the TBI to another agency. The administrative efforts of carrying out the activities involved in the regulation would require a similar staff effort and cost regardless of where they were housed.

RECOMMENDATION

- **The Texas Board of Irrigators should be continued as a separate agency administratively attached to the Texas Water Commission.**

The current structure of assigning the primary responsibilities for the regulation of landscape irrigators to the board with assistance provided by the Texas Water Commission is an appropriate mechanism for carrying out this regulatory function.

FISCAL IMPACT

No fiscal impact would result from this recommendation.

Recommendations if Agency is Continued

ISSUE 3: The statute should require that the governor designate the chairman of the board.

BACKGROUND

The chairman of the board is currently elected by the members of the board and serves as chair for two years. The method of selection of the board and its chair should provide for accountability between the policy body and the governor and legislature. Having the governor designate the chair is one way to strengthen this accountability. The Sunset Commission has routinely recommended that the governor appoint the chair for the purpose of improving accountability between state boards and the chief executive. The review found that the governor already selects the chair of 42 other state agencies, including the State Board of Insurance, the State Board of Education, the Alcoholic Beverage Commission, and the State Highway and Public Transportation Commission. The majority of the agencies reviewed for the 71st Legislature had this provision in their statutes. Where it was not in statute, it was added as a result of sunset action.

PROBLEM

The election of the chairman by the board members does not provide the most direct method of ensuring continuity of policy or accountability to the state's chief executive officer.

RECOMMENDATION

- **The statute should be changed so the governor designates the chairman of the Texas Board of Irrigators.**

The person appointed as chairman would continue in the position at the pleasure of the governor. In the event the governor decided to remove the person from the chairmanship, the person would continue to serve his appointed term on the board and the governor would choose another chairman from the membership of the board. This change will promote accountability of the board to the governor.

FISCAL IMPACT

No fiscal impact would occur as a result of the recommendation.

ISSUE 4: The statutory authority for licensing and enforcement should be consolidated within the board and its range of sanctions expanded.

BACKGROUND

The board, along with the Texas Water Commission (TWC), is responsible for enforcing the statutes regulating landscape irrigation. The agency's enforcement efforts are directed toward persons who either perform landscape irrigation services for compensation without a license, or licensees who violate the act or board rules. Most enforcement activity is generated through written complaints to the board. Over the five fiscal years from 1985 to 1989, there were 261 complaints filed with the board. About two-thirds of the complaints were against unlicensed individuals and the remainder were against either licensed irrigators or installers.

Once a written complaint is received by the agency, a board member is assigned to investigate the matter with the assistance of the local Texas Water Commission field office staff. The agency has an interagency contract with the TWC to provide investigative assistance and legal assistance on enforcement matters. Many cases are resolved during the investigation due to the board members' efforts to arbitrate the problem at that time. If no agreement to resolve the matter can be reached, the case is put on the agenda of the next board meeting for an informal hearing. The complainant and the respondent are given an opportunity to present any information and testimony to the board. The board member who investigated the case will present a report and make a recommendation as to disposition of the matter.

The board has several options available if the matter is not resolved informally at the hearing. First, if the board determines the complaint does not warrant further action, the matter is dismissed. If the board determines that further enforcement action is needed, the board issues an order referring the complaint to the TWC for proceedings to revoke the license and/or to the attorney general's office for civil action.

The process for enforcing the statutes relating to landscape irrigators was evaluated to determine if there is sufficient authority for the board to take enforcement action, whether the process takes place in a timely fashion, and whether there is an appropriate range of sanctions available for violations of the act or board rules. The result of the evaluation indicated the following:

- ▶ **The Texas Board of Irrigators is not authorized to sanction licensees for violations of the act or rules of the board.**
- The Licensed Irrigators Act authorizes the Texas Water Commission, and not the board, to revoke a license for violations of the act or rules adopted under the act, for fraud or deceit in obtaining

a license, or for gross negligence, incompetency, or misconduct while acting as a licensed irrigator or installer.

- If the board, after conducting an informal hearing, decides that the act or rules have been violated, the case must be referred to either the TWC or the attorney general's office for enforcement action to be taken. The TWC only has authority over licensees. Cases against unlicensed individuals are referred to the attorney general's office. The TWC holds a formal hearing, conducted by a TWC hearing officer, who makes a recommendation on disposition of the case to the TWC. The TWC is authorized only to revoke a license, or dismiss the case, although the commission has chosen to suspend a license in one case. Two cases were referred to the TWC in fiscal years 1989 and 1990 and one license was revoked.
- ▶ **Having to go through another agency's board to invoke sanctions unnecessarily delays a determination of the outcome of disciplinary action.**
 - The agency indicated that it takes about five to six months for the TWC hearing examiner to hold a hearing and make a recommendation to the TWC on a licensed irrigator case and another two to three months before the commission makes a final decision. These hearings are just one of many responsibilities of the TWC and the schedule for these cases must be fit in with many other activities of the commission.
 - The board could hold a formal hearing and decide a case in considerably less time since the hearings would be one of their primary responsibilities.
- ▶ **The general state approach to licensing is to consolidate the license issuing function with license sanction authority in one board or commission.**
 - A review of 15 other licensing statutes did not reveal any situations where the authority to grant a license was separated from the agency with authority to sanction licensees.
- ▶ **The statute does not provide for an appropriate range of sanctions against licensees.**
 - Most of the violations that are forwarded by the board for further enforcement action are forwarded to the attorney general's office for civil action rather than to the Texas Water Commission. For fiscal years 1989 and 1990, 29 complaints were referred to the attorney general's office while only two complaints were forwarded to the TWC for formal action.
 - Lack of a range of sanctions has resulted in only four formal actions being taken by the TWC against licensees in the past five years. This included three license revocations and one suspension. License suspensions are not specifically authorized in the act.

- Civil action through the attorney general's office provides a range of remedies such as injunctions, restraining orders, and civil penalties. In contrast, the TWC only has the option of revoking or not revoking a license. If the complaint appears not to be serious enough to revoke a license, the board's only option is to attempt to obtain an appropriate sanction through the court system.
- ▶ **The sunset commission has generally recommended that licensing boards be authorized a full range of penalties to use in enforcing their licensing program.**
- A range of penalties allows an agency to invoke sanctions that conform to the seriousness of the violation. The full range of sanctions includes authority to revoke or suspend a license, to probate suspension of a license, or to reprimand a licensee.

PROBLEM

The board does not have authority to enforce the licenses it grants and instead must rely on another agency board to invoke sanctions on licensed irrigators and installers. This situation differs from the general approach to licensing found in other state licensing acts. In addition, having revocation of a license as the sole available sanction limits the ability to take action against a licensee short of revocation when a lesser sanction is warranted.

RECOMMENDATION

- **The statute should be amended to transfer the authority to sanction licensees from the Texas Water Commission to the Texas Board of Irrigators. In addition the statute should:**
 - provide the board with a full range of penalties; and
 - require the staff of the Texas Water Commission to provide assistance to the agency in conducting investigations and holding hearings.

Transfer of sanction authority over licensed landscape irrigators from the Texas Water Commission to the Texas Board of Irrigators would consolidate control over these licensees in one agency. This would give the board the usual level of authority found in most other licensing agencies and would be expected to more quickly resolve complaints against licensees. Providing the board with a full range of penalties would allow the board to issue sanctions that are appropriate to the seriousness of the violation.

One impact of authorizing the board to hold hearings and take formal action on licenses is that it would no longer be appropriate for board members to directly investigate complaints as is the current practice. Instead, the board should more extensively use TWC field office staff to conduct investigations and report findings to the board.

FISCAL IMPACT

Additional costs would be limited to the expenses of increasing the level of training of Texas Water Commission investigative staff to independently handle the complaint investigations. The board currently contracts with the TWC for investigations and for legal services to hold formal hearings. This contract would be expected to be continued at roughly its current level of cost.

ACROSS-THE-BOARD RECOMMENDATIONS

From its inception, the Sunset Commission identified common agency problems. These problems have been addressed through standard statutory provisions incorporated into the legislation developed for agencies undergoing sunset review. Since these provisions are routinely applied to all agencies under review, the specific language is not repeated throughout the reports. The application to particular agencies is denoted in abbreviated chart form.

Texas Board of Irrigators			
Applied	Modified	Not Applied	Across-the-Board Recommendations
			A. GENERAL
**			1. Require public membership on boards and commissions.
**			2. Require specific provisions relating to conflicts of interest.
**			3. Provide that a person registered as a lobbyist under Article 6252-9c, V.A.C.S., may not act as general counsel to the board or serve as a member of the board.
**			4. Require that appointment to the board shall be made without regard to race, color, handicap, sex, religion, age, or national origin of the appointee.
**			5. Specify grounds for removal of a board member.
**			6. Require the board to make annual written reports to the governor and the legislature accounting for all receipts and disbursements made under its statute.
		X	7. Require the board to establish skill-oriented career ladders.
X			8. Require a system of merit pay based on documented employee performance.
X			9. Provide for notification and information to the public concerning board activities.
		*	10. Place agency funds in the treasury to ensure legislative review of agency expenditures through the appropriation process.
X			11. Require files to be maintained on complaints.
X			12. Require that all parties to formal complaints be periodically informed in writing as to the status of the complaint.
X			13. Require development of an E.E.O. policy.
X			14. Require the agency to provide information on standards of conduct to board members and employees.
X			15. Provide for public testimony at agency meetings.
X			16. Require that the policy body of an agency develop and implement policies which clearly separate board and staff functions.
X			17. Require development of accessibility plan.

* Already in law -- no statutory change needed.

** Already in law -- requires updating to reflect standard ATB language.

Texas Board of Irrigators (cont.)			
Applied	Modified	Not Applied	Across-the-Board Recommendations
			B. LICENSING
X			1. Require standard time frames for licensees who are delinquent in renewal of licenses.
		*	2. Provide for notice to a person taking an examination of the results of the exam within a reasonable time of the testing date.
		*	3. Provide an analysis, on request, to individuals failing the examination.
X			4. Require licensing disqualifications to be: 1) easily determined, and 2) related to currently existing conditions.
		X X	5. (a) Provide for licensing by endorsement rather than reciprocity. (b) Provide for licensing by reciprocity rather than endorsement.
		*	6. Authorize the staggered renewal of licenses.
		See Issue 4	7. Authorize agencies to use a full range of penalties.
X			8. Specify board hearing requirements.
X			9. Revise restrictive rules or statutes to allow advertising and competitive bidding practices which are not deceptive or misleading.
X			10. Authorize the board to adopt a system of voluntary continuing education.

* Already in law -- no statutory change needed.

** Already in law -- requires updating to reflect standard ATB language.

Texas Board of Irrigators

Report prepared by:

Ken Levine

Tim Graves

**Sunset Advisory Commission
P. O. Box 13066, Capitol Station, Austin, Texas 78711**

(512) 463-1300