

BILL ANALYSIS

C.S.H.B. 2347
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill author has informed the committee of the intersection of two issues affecting the state, which are water availability and urban growth, and that water conservation is a cost-effective way to meet increased water demands. According to the 2022 State Water Plan, from 2020 to 2070, statewide water demand is projected to increase by approximately nine percent while existing water supplies are projected to decline by approximately 18 percent. Also according to the plan, conservation strategies represent 29 percent of all recommended water management strategy volumes in 2070. While a home-rule municipality has the authority to adopt and enforce ordinances requiring water conservation in the municipality and by customers of the municipality's municipally owned water and sewer utility in the municipality's extraterritorial jurisdiction, the bill author has informed the committee that no such comparable authorization exists for a county and that urban growth is occurring outside of municipalities. According to the State of the Hill Country publication from February 2022 produced for the Texas Hill Country Conservation Network by the Siglo Group, from 1990 to 2020 the population of the Hill Country grew by 103 percent in unincorporated areas. C.S.H.B. 2347 seeks to address the need for greater water conservation and the lack of county authority by authorizing the commissioners courts of certain counties by order to adopt a water conservation program.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2347 amends the Local Government Code to authorize the commissioners court of a county that has a population greater than 230,000, is wholly or partly located within the boundaries of the Hill Country Priority Groundwater Management Area, and is adjacent to a county with a population greater than one million by order to adopt a water conservation program. The bill authorizes such a program to establish for the unincorporated area of the county, including the extraterritorial jurisdiction of a municipality, water conservation standards applicable to a development, redevelopment, or subdivision of a tract of land that begins after August 31, 2025. The bill exempts from such standards an agricultural operation, as defined by Agriculture Code provisions relating to the effect of nuisance actions and governmental requirements on certain agricultural operations. The bill establishes that to the extent of a conflict between a county order adopted under the bill's provisions and a permit, rule, ordinance, or other measure issued by a governmental entity and regulating the same conduct:

- if the governmental entity is a municipality, the municipal measure prevails; or

- if the governmental entity is a political subdivision other than a municipality, the more stringent regulation prevails.

C.S.H.B. 2347 sets its provisions and any water conservation programs adopted under such provisions to expire September 1, 2031.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2347 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced applied to a county that contains, wholly or partly, a designated priority groundwater management area, the substitute applies to a county that has a population greater than 230,000, is wholly or partly located within the boundaries of the Hill Country Priority Groundwater Management Area, and is adjacent to a county with a population greater than one million.

While both the introduced and the substitute provide that a municipal measure prevails to the extent of a conflict between the measure and a county order adopted under the bill's provisions that regulates the same conduct, the substitute includes language that is not in the introduced establishing that, to the extent of a conflict between a county order adopted under the bill's provisions and a permit, rule, ordinance, or other measure issued by a governmental entity that is a political subdivision other than a municipality and regulating the same conduct the more stringent regulation prevails.

The substitute includes a provision that was not in the introduced setting the bill's provisions and any water conservation programs adopted under such provisions to expire September 1, 2031.