By: Isaac H.B. No. 5325

A BILL TO BE ENTITLED

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- 2 relating to requirements that certain plats for the subdivision of
- 3 land include evidence of groundwater supply.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 5 SECTION 1. Section 212.0101, Local Government Code, is
- 6 amended by amending Subsections (a) and (b) and adding Subsection
- 7 (a-3) to read as follows:
- 8 (a) Except as provided by Subsection (a-1), a plat
- 9 application for the subdivision of a tract of land for which the
- 10 source of the water supply intended for the subdivision is
- 11 groundwater under that land must have attached to it a statement
- 12 that:
- 13 (1) is prepared by an engineer licensed to practice in
- 14 this state or a geoscientist licensed to practice in this state;
- 15 [and]
- 16 (2) certifies that adequate groundwater is available
- 17 for the subdivision; and
- (3) complies with the rules adopted by the Texas
- 19 Commission on Environmental Quality under Subsection (b).
- 20 <u>(a-3) A municipal authority shall disapprove a plat</u>
- 21 application if:
- (1) the application fails to comply with the
- 23 requirements of this section; or
- 24 (2) the municipal authority determines that the

- 1 application fails to demonstrate adequate groundwater is available
- 2 for the subdivision.
- 3 (b) The Texas Commission on Environmental Quality by rule
- 4 shall establish:
- $\underline{(1)}$ the appropriate form and content of a
- 6 certification to be attached to a plat application under this
- 7 section; and
- 8 (2) what constitutes credible evidence of groundwater
- 9 availability for the purpose of Subsection (a-1)(1).
- 10 SECTION 2. Section 232.0032, Local Government Code, is
- 11 amended by amending Subsections (a) and (b) and adding Subsection
- 12 (a-3) to read as follows:
- 13 (a) Except as provided by Subsection (a-1), a plat
- 14 application for the subdivision of a tract of land for which the
- 15 source of the water supply intended for the subdivision is
- 16 groundwater under that land must have attached to it a statement
- 17 that:
- 18 (1) is prepared by an engineer licensed to practice in
- 19 this state or a geoscientist licensed to practice in this state;
- 20 [and]
- 21 (2) certifies that adequate groundwater is available
- 22 for the subdivision; and
- 23 (3) complies with the rules adopted by the Texas
- 24 Commission on Environmental Quality under Subsection (b).
- 25 <u>(a-3) A commissioners court shall disapprove a plat</u>
- 26 application if:
- 27 (1) the application fails to comply with the

- 1 requirements of this section; or
- 2 (2) the commissioners court determines that the
- 3 application fails to demonstrate adequate groundwater is available
- 4 for the subdivision.
- 5 (b) The Texas Commission on Environmental Quality by rule
- 6 shall establish:
- 7 $\underline{(1)}$ the appropriate form and content of a
- 8 certification to be attached to a plat application under this
- 9 section; and
- 10 (2) what constitutes credible evidence of groundwater
- 11 availability for the purpose of Subsection (a-1)(1).
- 12 SECTION 3. Section 35.019, Water Code, is amended by
- 13 amending Subsection (a) and adding Subsection (d) to read as
- 14 follows:
- 15 (a) Notwithstanding Section 232.001(h), Local Government
- 16 <u>Code</u>, the [The] commissioners court of a county in a priority
- 17 groundwater management area may adopt water availability
- 18 requirements in an area where platting is required if the court
- 19 determines that the requirements are necessary to prevent current
- 20 or projected water use in the county from exceeding the safe
- 21 sustainable yield of the county's water supply.
- 22 <u>(d) A commissioners court shall disapprove a plat</u>
- 23 <u>application if:</u>
- 24 (1) the application fails to comply with the water
- 25 availability requirements adopted by the commissioners court under
- 26 this section; or
- 27 (2) the commissioners court determines that the person

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- 1 seeking approval of the plat has failed to show that an adequate
- 2 water supply exists for the area proposed to be platted.
- 3 SECTION 4. The changes in law made by this Act apply only to
- 4 a plat application filed on or after the effective date of this Act.
- 5 SECTION 5. Not later than January 1, 2026, the Texas
- 6 Commission on Environmental Quality shall adopt rules as required
- 7 by Sections 212.0101(b) and 232.0032(b), Local Government Code, as
- 8 amended by this Act.
- 9 SECTION 6. This Act takes effect January 1, 2026.