

By: Isaac

H.B. No. 145

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements related to water availability,
including requirements that certain plats for the subdivision of
land include evidence of groundwater supply.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 212.0101, Local Government Code, is
amended by amending Subsections (a) and (b) and adding Subsection
(a-3) to read as follows:

(a) Except as provided by Subsection (a-1), a plat
application for the subdivision of a tract of land for which the
source of the water supply intended for the subdivision is
groundwater under that land must have attached to it a statement
that:

(1) is prepared by an engineer licensed to practice in
this state or a geoscientist licensed to practice in this state;
~~[and]~~

(2) certifies that adequate groundwater is available
for the subdivision; and

(3) complies with the rules adopted by the Texas
Commission on Environmental Quality under Subsection (b).

(a-3) A municipal authority shall disapprove a plat
application if the application fails to comply with the
requirements of this section.

(b) The Texas Commission on Environmental Quality by rule

1 shall establish:

2 (1) the appropriate form and content of a
3 certification to be attached to a plat application under this
4 section; and

5 (2) what constitutes credible evidence of groundwater
6 availability for the purpose of Subsection (a-1)(1).

7 SECTION 2. Section 232.0032, Local Government Code, is
8 amended by amending Subsections (a) and (b) and adding Subsection
9 (a-3) to read as follows:

10 (a) Except as provided by Subsection (a-1), a plat
11 application for the subdivision of a tract of land for which the
12 source of the water supply intended for the subdivision is
13 groundwater under that land must have attached to it a statement
14 that:

15 (1) is prepared by an engineer licensed to practice in
16 this state or a geoscientist licensed to practice in this state;
17 ~~[and]~~

18 (2) certifies that adequate groundwater is available
19 for the subdivision; and

20 (3) complies with the rules adopted by the Texas
21 Commission on Environmental Quality under Subsection (b).

22 (a-3) A commissioners court shall disapprove a plat
23 application if the application fails to comply with the
24 requirements of this section.

25 (b) The Texas Commission on Environmental Quality by rule
26 shall establish:

27 (1) the appropriate form and content of a

1 certification to be attached to a plat application under this
2 section; and

3 (2) what constitutes credible evidence of groundwater
4 availability for the purpose of Subsection (a-1)(1).

5 SECTION 3. Section 35.019(a), Water Code, is amended to
6 read as follows:

7 (a) Notwithstanding Section 232.001(h), Local Government
8 Code, the [The] commissioners court of a county in a priority
9 groundwater management area may adopt water availability
10 requirements in an area where platting is required if the court
11 determines that the requirements are necessary to prevent current
12 or projected water use in the county from exceeding the safe
13 sustainable yield of the county's water supply.

14 SECTION 4. The changes in law made by this Act apply only to
15 a plat application filed on or after the effective date of this Act.

16 SECTION 5. (a) Not later than September 1, 2026, the Texas
17 Commission on Environmental Quality shall adopt rules as required
18 by Sections 212.0101(b) and 232.0032(b), Local Government Code, as
19 amended by this Act.

20 (b) In adopting the rules required by Subsection (a) of this
21 section, the Texas Commission on Environmental Quality shall define
22 the meaning of "credible evidence" and update, as appropriate and
23 after review, the appropriate form and content of a certification
24 required to be attached to a plat application as required by
25 Sections 212.0101(b) and 232.0032(b), Local Government Code, as
26 amended by this Act.

27 SECTION 6. This Act takes effect January 1, 2026.