By: Isaac H.B. No. 1262

A BILL TO BE ENTITLED

AN ACT

relating to 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:

(1) the application fails to comply with the requirements of this section; or

(2) the municipal authority determines that the

application fails to demonstrate adequate groundwater is available for the subdivision.

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

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

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

SECTION 2. Section 232.0032, 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 commissioners court shall disapprove a plat application if:

(1) the application fails to comply with the

requirements of this section; or

(2) the commissioners court determines that the application fails to demonstrate adequate groundwater is available for the subdivision.

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

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

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

SECTION 3. Section 35.019, Water Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

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

(d) A commissioners court shall disapprove a plat application if:

(1) the application fails to comply with the water availability requirements adopted by the commissioners court under this section; or

(2) the commissioners court determines that the person

seeking approval of the plat has failed to show that an adequate water supply exists for the area proposed to be platted.

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

SECTION 5. Not later than January 1, 2028, the Texas Commission on Environmental Quality shall adopt rules as required by Sections 212.0101(b) and 232.0032(b), Local Government Code, as amended by this Act.

SECTION 6. This Act takes effect January 1, 2028.