

Greater Edwards Aquifer Alliance 89th Legislative Session Recap

When it comes to legislation dealing with South-Central Texas water, land use, and local authority, our thoughts on the 89th Legislative Session can be summed up as follows: we are pleasantly surprised! A fair number of small but mighty legislative fixes to our water challenges, along with major water funding bills, made it all the way through the legislative process, while some bigger, highly detrimental bills and amendments failed to advance in the last stages of the session.

This legislative recap will provide an overview of:

- - **Good Bills That Passed**
 - **Good Bills That Died**
 - **Bad Bills That Passed**
 - **Bad Bills That Died**
 - **November 2025 Ballot Measures**
 - **Remaining 2025 Efforts**
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Good Bills That Passed

GEAA supported and advocated for the following responsible and much-appreciated bills, which have either already been signed by the governor or are now headed to the governor's desk:

- [HB 517](#) (Harris Davila) prohibits property owners' associations, more commonly known as homeowners' associations or HOAs, from imposing fines on homeowners for not installing grass or turf, not maintaining green grass or turf, or for having discolored or brown grass or turf on their property during periods of residential watering restrictions. **This bill allows homeowners to follow water utility or city drought restrictions without worrying about financial consequences for violations of HOA rules related to watering.**
- [HB 1633](#) (Gerdes) requires groundwater conservation districts (GCDs) to consider, before granting or denying a pumping permit or permit amendment, whether the proposed use of water will unreasonably affect wells that are registered, exempt wells. **Requiring a consideration of registered, exempt wells can help protect exempt well owners from groundwater impacts of any new or amended pumping permits and can also encourage well owners to register their wells to better protect groundwater supplies.** Find out more [here](#).
- [HB 1689](#) (Gerdes) allows GCDs to use certain funds from export fees to assess and address impacts associated with groundwater development, including to maintain the operability of wells significantly affected by groundwater development, even for wells located outside the district. The bill also allows GCDs to enter interlocal agreements to maintain the operability of wells impacted by the groundwater development. **The bill allows for greater planning for and response to groundwater development across GCD boundaries.**

- [HB 1690](#) (Gerdes) requires GCDs to require notice to be given for an application for a permit for the transfer of groundwater out of the GCD. The notice must be paid for by the applicant and sent to each GCD adjacent to the permitting GCD that overlies any portion of the aquifer from which water will be withdrawn, to the applicable commissioners' courts, and be published in appropriate newspapers. **The bill creates greater transparency surrounding groundwater exports.**
- [HB 2078](#) (Gerdes | Isaac) requires a GCD's management plan to include an explanation, in plain language, of how the GCD is monitoring and tracking its achievement of its desired future conditions (DFCs) and how it has performed in achieving these DFCs over the preceding five years. **It creates greater transparency and accountability in how GCDs are managing their groundwater supplies.**
- [HB 2128](#) (Spiller) directs the Texas A&M Engineering Extension Service to conduct a study of rural firefighting and technical rescue service capabilities and to submit the findings of the study and recommendations to the governor, lieutenant governor, and speaker of the house by December 1, 2026. **This bill can help rural areas respond to increasingly frequent and damaging wildfires, like recent fires in Gillespie and Bastrop counties.**
- [HB 3333](#) (Morales, Eddie) restricts TCEQ from issuing new direct discharge wastewater permits for discharge into the portion of the Devil's River in Val Verde County or into this section's watershed. **The bill protects the pristine nature of much of the Devil's River from the potentially negative impacts of treated wastewater discharge.**
- [HB 5560](#) (Harris) allows the board of a GCD to set a range of reasonable civil penalties that a GCD may recover from any person for breach of district rules. The board must consider the effect of the violation on groundwater resources, public health and safety, or other water resources or the environment, and must consider the history and extent of any previous violations, the degree of culpability, and whether the violation resulted in an economic benefit to the violator. **This bill increases the maximum civil penalty cap from \$10,000 to \$25,000 in order to deter over pumping and other violations for large water projects, especially as water supplies become scarcer and more valuable.**
- [SB 7](#) (Perry) expands on efforts from the 88th legislative session by expanding how water supply and water infrastructure funding will be administered. **Water and wastewater reuse are now included under the New Water Supply for Texas Fund, while wastewater infrastructure projects are included under projects the Texas Water Fund can prioritize. The bill also lays out a requirement for TWDB to conduct a study on incorporating wastewater planning into the state water planning process.** Find out more [here](#)
- [HJR 7](#) (Harris) dedicates \$1 billion annually for the next 20 years to fund water supply and water infrastructure investments. **It will direct 50% of the allocated funding to projects under the New Water Supply for Texas Fund and the State Water Implementation Fund for Texas (i.e., funding for new water supply sources). The other 50% will be available to the Texas Water Development Board to fund existing, effective, and often oversubscribed.** Find out more [here](#).
- [SB 15](#) (Bettencourt et al) requires large cities located in large counties to allow for small residential lot sizes. Senator Menendez and GEAA, on the Senate and House side, respectively, were able to ensure that cities can still protect land located in an aquifer recharge zone and still adopt and enforce ordinances that relate to aquifer protection. **Increased urban residential**

density can help prevent sprawl and mitigate negative impacts to ecosystem services arising from increased development. Find out more [here](#).

- [SB 480](#) (Perry) allows local governments to contract with each other, with the state, or with the federal government to jointly participate in research or planning activities related to water resources. **It allows for greater efficacy state-wide in water planning and research.**
- [SB 783](#) (Menéndez) allows governmental entities to adopt certain updated energy codes, energy and water conservation design standards, and high-performance building standards. **More energy and water efficient buildings help conserve water supplies across Texas.**
- [SB 863](#) (Perry) prohibits water withdrawn from the Edwards Aquifer from being transported outside the boundaries of the Edwards Aquifer Authority and requires the water to be used within the certificated area of a retail public utility according to a certificate of convenience and necessity based on certain parameters. **It is a bill that clears up confusion surrounding management of Edwards Aquifer water.**
- [SB 1150](#) (Middleton) would require oil and gas companies to plug orphan wells when the wells have been inactive for at least 15 years. **Orphan wells pose serious environmental and public health risks, including groundwater contamination; this bill will help the state begin to tackle its orphan oil and gas well crisis.**
- [SB 1253](#) (Perry) requires cities to provide a credit against water and wastewater impact fees otherwise assessed to a development to a builder or developer for eligible facilities, systems, or products that result in water reuse, conservation, or savings. It also has an amendment to provide to the Hays Trinity Groundwater Conservation District authority on par with other GCDs in the state in response to the pressures on the Trinity Aquifer system in Hays County (the amendment incorporates portions of SB 2660, find out more [here](#)). **The bill is intended to incentivize water conservation and reuse and provides Hays Trinity GCD much-needed authority.**
- [SB 1302](#) (Kolkhorst) prohibits a discharger whose authority to discharge waste under a general permit has been denied or suspended previously from later discharging under the general permit until the TCEQ executive director actively authorizes the discharger to use the general permit. **It fixes a loophole within the TCEQ system that allows waste dischargers to circumvent guardrails in the general permitting system.**
- [SB 1663](#) (Zaffirini) updates TCEQ guidelines for notifying nearby private drinking water well owners and applicable GCDs of any potential groundwater contamination. **This bill improves public awareness and response to groundwater contamination and responds to the recommendations provided to the legislature by the Texas Groundwater Protection Committee.**
- [SB 1967](#) (Hinojosa, Juan “Chuy”) expands the definition of projects that can qualify for flood mitigation and drainage infrastructure projects under the flood infrastructure fund under the TWDB. **It includes in the new definition multi-purpose flood mitigation and drainage infrastructure projects that also have a water supply component, i.e., projects that also treat and distribute water for the purpose of creating an additional water supply source.**
- [SB 2122](#) (Zaffirini) addresses the shortfall in funding present in the environmental permitting and support unit of the Railroad Commission, the unit meant to enforce the RRC’s environmental protection and pollution prevention rules. **The bill requires applicants for a**

permit related to certain oil and gas wastes to submit a nonrefundable fee in order to expand the environmental permitting unit and enhance its capacity to oversee compliance.

- [SB 2662](#) (Perry) clarifies that water and sewer utilities can implement and enforce their drought contingency plans as part of their approved Public Utility Commission rates in order to reduce customer water use before they reach the point of over pumping. **This bill ensures that private and investor-owned utilities can enforce their drought contingency plans, leading to reductions in costly litigation and reducing strains on groundwater and surface water resources.**
- [SB 2885](#) (Flores) allows the TCEQ to authorize the injection of treated recycled water as part of an aquifer storage and recovery project, as long as the water is treated in accordance with standards that will be adopted by the TCEQ. **A regulatory framework that allows for the injection of sufficiently treated recycled water into aquifer storage and recovery projects can help ensure long-term water security.**
- [SB 1 TWDB Budget Item 28](#) (Supported by Representative Barry) directs the TWDB to conduct and publish a **study of the technical and economic feasibility of the use of recycled municipal wastewater and dry plant operations by aggregate production operations, i.e., quarries, currently using Edwards and Trinity groundwater wells.** GEAA and Texans for Responsible Aggregate Mining worked together to file this budget item, find out more [here](#).

Good Bills That Died

Of course, it's not all sunshine and roses for Texas water. Many good bills that GEAA advocated for made it almost all the way to the end but failed to meet key deadlines and subsequently died:

- [HB 1400](#) (Harris) would have created a groundwater science, research, and innovation fund under the TWDB. **This bill would have been instrumental to improving our understanding, management, and conservation of groundwater supplies.** It passed in the House and was referred to a Senate committee but never received a hearing.
- [HB 1730](#) (Morales Shaw) would have studied the effects on public health of per- and polyfluoroalkyl, or forever chemicals. It would have set up a study group with the University of Houston, Railroad Commission, TCEQ, and Department of State Health Services to **study the impacts of PFAS chemicals, including on groundwater, rivers, lakes, reservoirs, and other water sources used to supply the public with drinking water.** It was placed on the House floor calendar but was never brought to a vote.
- [HB 2015](#) (Zwiener) would have allowed TCEQ to consider a petitioner's water conservation plan when considering whether to grant or deny a petition for the creation of municipal utility districts in the Hill Country Priority Groundwater Management Area. The Hill Country PGMA is one of the fastest growing areas in the state and is facing extreme drought at the same time as intense demand for water supplies. **This bill would have helped ensure that future growth in the region would not have an unreasonable effect on water conservation efforts.** It passed in the House and was received by the Senate but was never referred to a Senate committee.
- [HB 2347](#) (Zwiener) would have authorized Hays County to adopt water conservation programs applicable to landscaping in unincorporated areas of that county. **The ability of the county to enforce conservation restrictions on residential water use can make a big difference as its population continues to grow.** This bill passed in the House and was received by the Senate but was never referred to a Senate committee. Find out more [here](#).

- [HB 3637](#) (Troxclair) and HJR 88 (Zwiener) would have allowed counties to adopt property tax exemptions for the portion of a property attributable to the installation of rainwater harvesting or graywater systems. This bill and resolution **would have helped spur the adoption of water conservation systems on private property**. They passed in the House and were received by the Senate but were never referred to a Senate committee.
- [SB 291](#) (Schwertner) would have **strengthened private property rights in relation to eminent domain cases**. This bill passed the Senate, passed out of its House committee, but died in the House Calendars committee.
- [SB 1624](#) (Johnson) would have allowed the Texas Water Bank and Texas Water Trust to accept and hold donations of water rights to meet conservation needs, **adding conservation needs to the list for which water rights can be donated in the state, shoring up supplies**. It passed in the Senate, but was left pending in its House committee late in the session.
- [SB 1855](#) (Perry) would have strengthened requirements for certain subdivision plats to include evidence of groundwater supply, which **would have helped ensure that new subdivisions do not place undue burdens on groundwater supplies or leave future residents in a bind**. It passed in the Senate, passed out of its House committee, but died in the House Calendars committee.
- [SB 2497](#) (Zaffirini) would have allowed the TCEQ to require small public drinking water supply systems (serving fewer than 100 connections) that rely on groundwater to install a treatment system, if the public water system had been the subject of water quality complaints or has repeatedly exceeded maximum contaminant levels. **This bill would have protected the health residents who rely on small public water supply systems**. It passed in the Senate, passed out of its House committee, and was placed on the House floor calendar, but never received a vote.

Bad Bills That Passed

And, of course, a variety of bills that could have detrimental impacts to local authority, land use, and water supplies passed despite significant opposition:

- [HB 49](#) (Darby et al.) preemptively grants tort liability to the producers, treatment operators, and suppliers of oil and gas wastewater, or produced water. **This bill shields operators along the produced water supply chain from liability for harms produced water – which is known to be full of forever chemicals, radioactive elements, carcinogenic compounds, and hydrocarbons – may cause**. Find out more [here](#).
- [HB 2559](#) (Patterson) It greatly limits a city's ability to protect water resources and ensure adequate infrastructure capacity. **The bill limits city's ability to impose a moratorium on property development and does not provide any consideration of water supply shortages**. Find out more [here](#).
- [SB 14](#) (King) could be used to further roll-back environmental regulations, including regulations that protect water availability and water quality. **The bill limits the deference state courts give to agency interpretations of laws and rules, potentially further undermining existing protections by not considering public input or specialized knowledge**.
- [SB 1706](#) (Hinojosa, Adam) allows the governing board of a governmental body to conduct a closed meeting, not open to the public, for an economic incentive the body may offer to a private entity to meet a match requirement or other requirement established by the US Department of Defense or NASA in relation to grants or strategic endeavors. **It appears to allow**

cities and counties to conduct closed meetings when discussing the use of public funds that will be given to private entities, likely including SpaceX along the Gulf.

- [SB 1883](#) (Bettencourt) limits how a city can implement its impact fees. **It requires the impact fee to be approved by a supermajority vote of the council and freezes the fee at that level for the following five years.**

Bad Bills That Died

But, GEAA, along with other advocacy groups and private citizens, was successful in helping stop several highly concerning bills that would have had outsized impacts on the Edwards and Trinity aquifer region:

- [HB 23](#) (Harris) would have allowed development permit applicants to use a third party to review any development document or related inspections and would have restricted the ability of cities or counties to have additional approval or waiver authority. **The bill could have allowed developers to bypass local government review processes, threatening public safety and long-term development planning.**
- [HB 2149](#) (Tepper) would have prohibited a city from stopping a nonconforming property uses unless the city enters an agreement with the person to stop the nonconforming use. The use may continue until the agreement is reached, but the bill did not provide a requirement that an agreement ever be reached. **It would have undermined the ability of local governments to effectively manage land use and development and could have allowed harmful uses to continue in residential areas.**
- [HB 2812](#) (Isaac) would have exempted public water supply wells from regulation, metering, or permitting by the Hays Trinity Groundwater Conservation District. **This bill would have allowed significant amounts of water to not be subject to regulations and would have circumvented drought restrictions.**
- [HB 4313](#) (Bell, Cecil) would have prevented local governments from using any public funds, including funds received from grants or donations, to plan, create, or operate an environmental project. **Local governments would have been prohibited from implementing projects to reduce greenhouse gas emissions, reduce the amount of pollutants reaching the environment, or to create public awareness of those or related issues.** Find out more [here](#).
- [HB 4852](#) (Oliverson) would have given the Texas Attorney General sweeping new powers to target businesses and nonprofits. **The bill would have allowed the AG to demand internal records, compel sworn statements, and even shut down organizations – all without proof of wrongdoing or court approval.** Find out more [here](#).
- [SB 779](#) (Middleton) This bill would have limited common law public nuisance claims. **The bill would have greatly limited the recourses available to Texans who might suffer injury or adverse effects on human health or welfare, animal life, vegetation, or property, even from permitted actions.** Find out more [here](#).
- [SB 1927](#) (Hinojosa, Adam) would have prohibited cities from implementing tree preservation ordinances in relation to ashe juniper trees. **The bill could have paved the way for future rollbacks of environmental protections critical to the Edwards and Trinity aquifer region, and would have had negative impacts on endangered species, watershed protection, and soil health.** Find out more [here](#).
- [SB 2522](#) (Bettencourt) would have prevented cities from implementing in their extraterritorial jurisdictions (ETJs) ordinances related to the pumping, extraction, and use of groundwater for

the purpose of preventing the use or contact with groundwater that presents a threat to human health. It would have prevented cities (in their ETJs) and counties both from regulating most aspects of lot density. **It also struck through the provision of code that allowed counties to adopt rules governing development in order to promote the health, safety, morals, and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.** Find out more [here](#).

- [SB 2523](#) (Bettencourt) would have allowed individual property owners to opt out of a larger petition for release from a city's ETJ, which would be a positive change to the current law. **However, this bill also eliminates the ability of cities to consent in writing to the release of property from their ETJ before the property is released.**
- [SB 2658](#) (Perry) would have allowed certain brackish groundwater wells to be exempt from GCD permitting requirements. **The bill would have greatly reduced GCD regulatory authority and could have led to saltwater intrusion problems within freshwater/saltwater zones.**
- [SB 2858](#) (Creighton) would have expanded the provisions of the "Death Star" local government preemption bill passed in the 88th legislative session by granting the AG unilateral authority to investigate and take legal action against a city for adopting or enforcing measures the AG believes to have been preempted by state law but did not define clear legal thresholds. **The bill would have created a requirement for the Comptroller to withhold city revenue – money to directly support essential services, public safety, infrastructure, and local operations – during litigation under this bill, which could last years and occur before any court determination.**
- [SB 3016](#) (Creighton) would have expanded the provisions of the "Death Star" local government preemption bill by expanding local government liability. **The bill would have created a requirement for the Comptroller to withhold city revenue – money to directly support essential services, public safety, infrastructure, and local operations – during litigation under this bill, which could last years and occur before any court determination.**

November 2025 Ballot Measure

[HJR 7](#) has been filed with the Texas Secretary of State, which is great news, because it means this critical dedicated water funding has passed the state House and Senate. But our work is not done. Texas voters must still vote to approve this constitutional amendment in the November 2025 general election. GEAA will continue to advocate for the passage of this down-payment on Texas' critical water funding needs. Stay tuned!

Remaining 2025 Efforts

So, what's next? GEAA remains engaged and committed to working on advancing responsible, rational, and effective legislation that preserves and protects the Edwards and Trinity aquifers, their springs, watersheds, and the Texas Hill Country that sustains them. We will be working with members and stakeholders across our service area to research and refine our legislative efforts for the 90th legislative session. Want to get involved or have any questions? Find out more [here](#) and reach out to us!

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