

1-1 By: Zaffirini S.B. No. 43  
1-2 (In the Senate - Filed July 23, 2025; July 28, 2025, read  
1-3 first time and referred to Select Committee on Disaster  
1-4 Preparedness & Flooding; August 8, 2025, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; August 8, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Perry	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Blanco	X		
1-12	Campbell	X		
1-13	Hinojosa of Nueces	X		
1-14	Kolkhorst	X		
1-15	Menéndez	X		
1-16	Schwertner	X		

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to an exemption from the requirement to obtain a permit  
1-20 from the Texas Commission on Environmental Quality for certain dams  
1-21 or reservoirs operated and maintained for the purposes of erosion,  
1-22 floodwater, and sediment control.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 11.121, Water Code, is amended to read as  
1-25 follows:

1-26 Sec. 11.121. PERMIT REQUIRED. Except as provided in  
1-27 Sections 11.1405, 11.142, 11.1421, 11.1422, 11.1423, and 18.003, no  
1-28 person may appropriate any state water or begin construction of any  
1-29 work designed for the storage, taking, or diversion of water  
1-30 without first obtaining a permit from the commission to make the  
1-31 appropriation.

1-32 SECTION 2. Subchapter D, Chapter 11, Water Code, is amended  
1-33 by adding Section 11.1423 to read as follows:

1-34 Sec. 11.1423. PERMIT EXEMPTION FOR CERTAIN DAMS OR  
1-35 RESERVOIRS FOR EROSION, FLOODWATER, AND SEDIMENT CONTROL. (a) In  
1-36 this section, "qualified local sponsor" means a district or  
1-37 authority created under Section 52(b)(1) or (2), Article III, or  
1-38 Section 59, Article XVI, Texas Constitution, that has entered into  
1-39 an agreement with the United States Department of Agriculture's  
1-40 Natural Resources Conservation Service pursuant to the Watershed  
1-41 Protection and Flood Prevention Act (16 U.S.C. Section 1001 et  
1-42 seq.) to serve as a local sponsor to operate and maintain a dam or  
1-43 reservoir for purposes of erosion, floodwater, and sediment  
1-44 control.

1-45 (b) Without obtaining a permit, a qualified local sponsor  
1-46 may:

1-47 (1) construct or maintain on property owned or  
1-48 controlled by the qualified local sponsor a dam or reservoir with  
1-49 normal storage of not more than 200 acre-feet of water for the  
1-50 purposes of erosion, floodwater, and sediment control; and

1-51 (2) divert water from the dam or reservoir as needed in  
1-52 order to repair, maintain, or rehabilitate the impoundment and  
1-53 associated works of improvement so as to maintain the operational  
1-54 integrity and purpose of the dam or reservoir.

1-55 (c) The termination of an agreement between a qualified  
1-56 local sponsor and the United States Department of Agriculture's  
1-57 Natural Resources Conservation Service does not affect the  
1-58 exemption described by Subsection (b), provided that the dam or  
1-59 reservoir continues to be owned or controlled by the qualified  
1-60 local sponsor for the purposes of erosion, floodwater, and sediment  
1-61 control.

2-1           SECTION 3. The Texas Commission on Environmental Quality  
2-2 shall adopt rules to implement Section 11.1423, Water Code, as  
2-3 added by this Act, not later than April 1, 2026.

2-4           SECTION 4. This Act takes effect immediately if it receives  
2-5 a vote of two-thirds of all the members elected to each house, as  
2-6 provided by Section 39, Article III, Texas Constitution. If this  
2-7 Act does not receive the vote necessary for immediate effect, this  
2-8 Act takes effect on the 91st day after the last day of the  
2-9 legislative session.

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