

BILL ANALYSIS

S.B. 18
By: Zaffirini
Disaster Preparedness & Flooding, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that the state has long engaged in flood prevention strategies, including the construction of flood-control ponds in historically rural areas across Texas, but that permitting is often a lengthy and thorough process that can take up to a year. S.B. 18 seeks to address this issue by providing for a permit exemption for certain dams or reservoirs operated and maintained for the purposes of erosion, floodwater, and sediment control.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 3 of this bill.

ANALYSIS

S.B. 18 amends the Water Code to authorize a qualified local sponsor to do the following without obtaining a permit:

- construct or maintain on property owned or controlled by the qualified local sponsor a dam or reservoir with normal storage of not more than 200 acre-feet of water for the purposes of erosion, floodwater, and sediment control; and
- divert water from the dam or reservoir as needed in order to repair, maintain, or rehabilitate the impoundment and associated works of improvement so as to maintain the operational integrity and purpose of the dam or reservoir.

The bill defines "qualified local sponsor" as a district or authority created under specified provisions of the Texas Constitution that has entered into an agreement with the U.S. Department of Agriculture's Natural Resources Conservation Service pursuant to the federal Watershed Protection and Flood Prevention Act to serve as a local sponsor to operate and maintain a dam or reservoir for purposes of erosion, floodwater, and sediment control. The bill establishes that the termination of such an agreement does not affect the bill's permit exemption, provided that the dam or reservoir continues to be owned or controlled by the qualified local sponsor for the purposes of erosion, floodwater, and sediment control.

S.B. 18 requires the Texas Commission on Environmental Quality to adopt rules to implement the bill's provisions not later than April 1, 2026.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.