

By: Zaffirini

S.B. No. 2568

A BILL TO BE ENTITLED

AN ACT

relating to the exempt use of flood control reservoirs constructed pursuant to Public Law P.L. 83-566 by qualified local sponsors.

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

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

Sec. 11.1423. PERMIT EXEMPTION FOR SPONSORED FLOOD CONTROL RESERVOIRS. (a) Without obtaining a permit a District operating as a Qualified Local Sponsor may:

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

(2) divert water from the reservoir as needed for the limited purpose of using the water to repair, maintain, rehabilitate the impoundment and associated works of improvement to maintain the operational integrity and purpose of the dam or reservoir.

(b) As used in this Section, the term "Qualified Local Sponsor" means any district or authority created by authority of either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, regardless of how created that has entered into an agreement with the United States Department of Agriculture, Natural Resources pursuant to Public Law 83-566 to

1 serve as a local sponsor to operate and maintain the reservoir for
2 purposes of erosion, floodwater, and sediment control.

3 (c) The exempt status of the reservoir and the beneficial
4 uses authorized by this Section shall not be affected by the
5 subsequent termination of the agreement between the district and
6 United States so long as the reservoir continues to be owned or
7 controlled by the district for the purposes contemplated by this
8 Section.

9 SECTION 2. The Texas Commission on Environmental Quality
10 shall adopt rules to implement Section 11.1423, Water Code, as
11 amended by this Act, not later than January 1, 2026.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2025.