

1-1 By: Zaffirini S.B. No. 2568
1-2 (In the Senate - Filed March 13, 2025; April 3, 2025, read
1-3 first time and referred to Committee on Water, Agriculture and
1-4 Rural Affairs; April 29, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 29, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Perry	X		
1-10	Hancock	X		
1-11	Birdwell	X		
1-12	Blanco	X		
1-13	Gutierrez	X		
1-14	Hinojosa of Nueces	X		
1-15	Johnson	X		
1-16	Kolkhorst	X		
1-17	Sparks	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 2568 By: Hancock

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to an exemption from the requirement to obtain a permit
1-22 from the Texas Commission on Environmental Quality for certain dams
1-23 or reservoirs operated and maintained for the purposes of erosion,
1-24 floodwater, and sediment control.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 11.121, Water Code, is amended to read as
1-27 follows:

1-28 Sec. 11.121. PERMIT REQUIRED. Except as provided in
1-29 Sections 11.1405, 11.142, 11.1421, 11.1422, 11.1423, and 18.003, no
1-30 person may appropriate any state water or begin construction of any
1-31 work designed for the storage, taking, or diversion of water
1-32 without first obtaining a permit from the commission to make the
1-33 appropriation.

1-34 SECTION 2. Subchapter D, Chapter 11, Water Code, is amended
1-35 by adding Section 11.1423 to read as follows:

1-36 Sec. 11.1423. PERMIT EXEMPTION FOR CERTAIN DAMS OR
1-37 RESERVOIRS FOR EROSION, FLOODWATER, AND SEDIMENT CONTROL. (a) In
1-38 this section, "qualified local sponsor" means a district or
1-39 authority created under Section 52(b)(1) or (2), Article III, or
1-40 Section 59, Article XVI, Texas Constitution, that has entered into
1-41 an agreement with the United States Department of Agriculture's
1-42 Natural Resources Conservation Service pursuant to the Watershed
1-43 Protection and Flood Prevention Act (16 U.S.C. Section 1001) to
1-44 serve as a local sponsor to operate and maintain a dam or reservoir
1-45 for purposes of erosion, floodwater, and sediment control.

1-46 (b) Without obtaining a permit, a qualified local sponsor
1-47 may:

1-48 (1) construct or maintain on property owned or
1-49 controlled by the qualified local sponsor a dam or reservoir with
1-50 normal storage of not more than 200 acre-feet of water for the
1-51 purposes of erosion, floodwater, and sediment control; and

1-52 (2) divert water from the dam or reservoir as needed in
1-53 order to repair, maintain, or rehabilitate the impoundment and
1-54 associated works of improvement so as to maintain the operational
1-55 integrity and purpose of the dam or reservoir.

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

2-6 SECTION 4. This Act takes effect immediately if it receives
2-7 a vote of two-thirds of all the members elected to each house, as
2-8 provided by Section 39, Article III, Texas Constitution. If this
2-9 Act does not receive the vote necessary for immediate effect, this
2-10 Act takes effect September 1, 2025.

2-11 * * * * *