School
Zapata High School

Senate Committee
N/A

Senate Author
Sebastian Zapata

House Committee
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Texas Reservoir Swift Repair Act

HB 29

Bill Text

A BILL TO BE ENTITLED
AN ACT

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

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

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

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

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

Sec. 11.1423. PERMIT EXEMPTION FOR CERTAIN DAMS OR RESERVOIRS FOR EROSION, FLOODWATER, AND SEDIMENT CONTROL. (a) In this section, "qualified local sponsor" means a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, that has entered into an agreement with the United States Department of Agriculture's Natural Resources Conservation Service pursuant to the Watershed Protection and Flood

STUDENT LEGISLATIVE SESSION
TEXAS STATE CAPITOL
EST. 2003

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Prevention Act (16 U.S.C. Section 1001 et seq.) to serve as a local sponsor to operate and maintain a dam or reservoir for purposes of erosion, floodwater, and sediment control.

(b) Without obtaining a permit, a qualified local sponsor may:

(1) 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

(2) 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.

(c) The termination of an agreement between a qualified local sponsor and the United States Department of Agriculture's Natural Resources Conservation Service does not affect the exemption described by Subsection (b), 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.

SECTION 3. The Texas Commission on Environmental Quality shall adopt rules to implement Section 11.1423, Water Code, as added by this Act, not later than April 1, 2027.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on January 1, 2027.