

BILL ANALYSIS

Senate Research Center
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H.B. 2225
By: King, Tracy O. et al. (Zaffirini)
Water, Agriculture & Rural Affairs
4/23/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Water Trust was created to hold water rights dedicated to environmental needs, including instream flows, water quality, fish and wildlife habitat, and bay and estuary inflows. Under current law, a water right cannot be placed in the trust unless approved by the Texas Water Development Board (TWDB) after appropriate consultation with the Texas Parks and Wildlife Department (TPWD). With only three water rights, stakeholders believe that the trust has largely been ineffective at meeting its statutory goals. What's more, while the trust is housed within the water bank at TWDB, the interests of the trust may be better served by TPWD, whose agency mission is better aligned with the trust's goals. Accordingly, H.B. 2225 seeks to address this issue by requiring TPWD to encourage and facilitate the dedication of water rights in the trust through voluntary transfers and to manage rights in the trust consistent with the trust and other applicable law.

H.B. 2225 amends current law relating to the powers and duties of the Parks and Wildlife Department regarding the Texas Water Trust.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 12, Parks and Wildlife Code, by adding Section 12.028, as follows:

Sec. 12.028. POWERS AND DUTIES REGARDING TEXAS WATER TRUST. (a) Defines "Texas Water Trust."

(b) Requires the Texas Parks and Wildlife Department (TPWD), consistent with Section 11.0235(b) (relating to the importance of maintaining the biological soundness of the state's rivers, lakes, bays, and estuaries for the public's economic health and general well-being), Water Code, and TPWD's duties and responsibilities, to encourage and facilitate the dedication of water rights in the Texas Water Trust through lease, donation, purchase, or other means of voluntary transfer for environmental needs, including for the purpose of maintaining or improving instream flows, water quality, fish and wildlife habitat, and bay and estuary inflows.

(c) Authorizes TPWD to manage rights in the Texas Water Trust in a manner that is consistent with:

- (1) the manner in which a holder of the rights is authorized to manage the rights;
- (2) the dedication of the rights, including the dedication's terms and conditions;

(3) Sections 11.0237 (Water Rights for Instream Flows Dedicated to Environmental Needs or Bay and Estuary Inflows), 11.027 (Rights Between Appropriators), and 11.122 (Amendments to Water Rights Required), Water Code; and

(4) maximizing environmental benefits.

(d) Prohibits this section from being construed to authorize TPWD to exercise any authority expressly granted to the Texas Water Development Board or the Texas Commission on Environmental Quality under Subchapter K (Texas Water Bank), Chapter 15 (Texas Water Assistance Program), Water Code.

SECTION 2. Amends Section 15.7031, Water Code, by adding Subsection (e), as follows:

(e) Authorizes TPWD to manage rights in the Texas Water Trust under a voluntary agreement with a rights holder and in the manner described by Section 12.028(c), Parks and Wildlife Code.

SECTION 3. Effective date: September 1, 2021.