

By: King of Uvalde

H.B. No. 4743

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Uvalde Water Trust.

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

SECTION 1. SHORT TITLE. This Act may be cited as the Uvalde Water Trust Act.

SECTION 2. CREATION OF UVALDE WATER TRUST. The Uvalde Water Trust is hereby created pursuant to Art. XVI, Sec. 59, Texas Constitution, for the purpose of protecting the groundwater and the surface water supplies of Uvalde County, encouraging conservation, and ensuring that water rights are available for future use in the county to support growth and economic development. The Uvalde Water Trust is a conservation and reclamation district and has all the functions, powers, authority, rights and duties as necessary to accomplish the purposes for which the trust is created and as authorized by Art. XVI, Sec. 59, Texas Constitution.

SECTION 3. BOUNDARIES. The boundaries of the Uvalde Water Trust is the territory contained within Uvalde County.

SECTION 4. FINDING OF BENEFIT. All land, water, and other property included within the boundaries of the trust will be benefited by the creation of the trust.

SECTION 5. PURPOSE. The purpose of the Uvalde Water Trust is to facilitate a water market and to provide adequate water supplies for use within the county. The Trust may acquire, receive, hold, lease, and sell water rights and engage in any other

1 transactions and may develop policies necessary to promote
2 conservation and availability of water in the county.

3 SECTION 6. POWERS OF TRUST. The powers of the Uvalde Water
4 Trust include but are not limited to:

5 (a) acquiring and holding water rights by purchase, lease,
6 assignment, bequeath, gift, pledge, trust, or any other mechanism;

7 (b) selling, leasing, or otherwise transferring an interest
8 in water rights for economic development projects or other uses of
9 water within the county;

10 (c) holding water rights for conservation purposes, fish
11 and wildlife habitat protection, water quality, aquifer
12 management, for the protection of instream flows, or similar
13 purposes;

14 (d) appraising water rights or otherwise establish the
15 value of the water right;

16 (e) applying for and receiving grants, low-interest loans,
17 or other public or private financing mechanisms for funding the
18 acquisition of water rights;

19 (f) receiving funds from any source and in any form, such as
20 a gift, grant, loan, transfer, or bequest, to carry out the purposes
21 of the Trust;

22 (g) entering into contracts;

23 (h) assessing a transaction fee to cover the Trust's
24 administrative costs related to individual transactions;

25 (i) engaging in such other actions as necessary to
26 facilitate water transactions;

27 (j) keeping such books and records as necessary to account

1 for the activities of the Trust; and

2 (k) developing, establishing and implementing policies
3 necessary to carry out the purposes of the Trust.

4 SECTION 7. ENROLLMENT IN EDWARDS AQUIFER HABITAT
5 CONSERVATION PROGRAM. Edwards Aquifer water rights held by the
6 Trust may be enrolled in a Habitat Conservation Program implemented
7 by the Edwards Aquifer Authority and the Trust may receive any
8 funding associated with those programs.

9 SECTION 8. PURCHASE OPTION. The Trust has the option to
10 acquire a water right available on the open market in Uvalde County
11 by matching the highest offer made for that right. The holder of
12 the right shall notify the Trust of such offer not less than 10 days
13 prior to the proposed closing date for the transaction.

14 SECTION 9. GOVERNANCE. (a) The Trust would be governed by
15 a Board that would consist of the following persons who may serve
16 two consecutive, two-year staggered terms, the staggered terms to
17 be determined at the initial meeting of the Board:

18 1) One member of the City Council of each of Cities of
19 Uvalde and Sabinas, appointed by the Mayor of each respective City;

20 2) One member of the Knippa Independent School
21 District, to be appointed by the Chair of the Board of Trustees of
22 the Knippa Independent School District;

23 3) One member of the County Commissioners Court of
24 Uvalde County appointed by the County Judge;

25 4) One member of the Uvalde County Underground Water
26 Conservation District appointed by the Chair of the Uvalde County
27 Underground Water Conservation District;

1 5) The County Judge; and

2 6) The Mayor of the City of Uvalde;

3 (b) The Trust is subject to Chapters 551 and 552, Government
4 Code.

5 SECTION 10. STAFF. The General Manager of the Uvalde County
6 Underground Water Conservation District shall act as an ex officio
7 member of the Board and as the General Manager of the Trust. The
8 General Manager shall hire such staff and consultants as necessary
9 to carry out the functions and responsibilities of the Trust.

10 SECTION 11. REVIEW AND DISSOLUTION. The General Manager
11 shall submit a report to the Board on the fifth anniversary of the
12 effective date of the Trust, and every five years thereafter,
13 summarizing the effectiveness of the Trust in accomplishing its
14 purposes and goals, including the number and types of water
15 transactions entered into by the Trust, the costs associated with
16 those transactions, the price paid by the Trust for the water rights
17 acquired, the amount of revenues, grants, loans or other monies
18 held by the Trust, cash balances, and other information that would
19 inform the Board as to the effectiveness of the Trust. The Trust
20 shall continue in existence unless the Board finds that the Trust is
21 no longer effectively accomplishing its purposes and goals and
22 votes, by a two-thirds majority, to dissolve the Trust.

23 SECTION 12. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

24 (a) The proper and legal notice of the intention to introduce this
25 Act, setting forth the general substance of this Act, has been
26 published as provided by law, and the notice and a copy of this Act
27 have been furnished to all persons, agencies, officials, or

1 entities to which they are required to be furnished by the
2 constitution and other laws of this state, including the governor,
3 who has submitted the notice and act to the Texas Commission on
4 Environmental Quality.

5 (b) The governor, one of the required recipients, has
6 submitted the notice and Act to the Texas Commission on
7 Environmental Quality.

8 (c) The Texas Commission on Environmental Quality has filed
9 its recommendations relating to this Act with the governor,
10 lieutenant governor, and speaker of the house of representatives
11 within the required time.

12 (d) All requirements of the constitution and laws of this
13 state and the rules and procedures of the legislature with respect
14 to the notice, introduction, and passage of this Act are fulfilled
15 and accomplished.

16 SECTION 13. EFFECTIVE DATE. This Act takes effect
17 September 1, 2019.