

## **BILL ANALYSIS**

C.S.H.B. 2225  
By: King, Tracy O.  
Natural Resources  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

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. It has been suggested that the trust has been ineffective at meeting its statutory goals and that the interests of the trust may be better served by the Parks and Wildlife Department (TPWD). C.S.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 under certain conditions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2225 amends the Parks and Wildlife Code to require the Parks and Wildlife Department (TPWD), consistent with certain state policy regarding state waters and TPWD 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 the following:

- instream flows;
- water quality;
- fish and wildlife habitat; and
- bay and estuary inflows.

C.S.H.B. 2225 authorizes TPWD to manage rights in the trust in a manner that is consistent with the following:

- the manner in which a holder of the rights may manage the rights;
- the dedication of the rights, including the dedication's terms and conditions;
- specified statutory water rights provisions; and
- maximizing environmental benefits.

C.S.H.B. 2225 prohibits these provisions 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 Water Code provisions relating to the Texas Water Bank.

C.S.H.B. 2225 amends the Water Code to authorize TPWD to manage rights in the trust as follows:

- under a voluntary agreement with a rights holder; and
- in the manner described by the bill's Parks and Wildlife Code provisions.

**EFFECTIVE DATE**

September 1, 2021.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2225 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does the following with respect to the manner in which TPWD may manage rights in the trust:

- specifies that the manner be consistent with the following:
  - the manner in which a holder of the rights may manage the rights; and
  - specified statutory water rights provisions; and
- specifies that consistency with the dedication of the rights includes consistency with the dedication's terms and conditions.

The substitute includes a provision that prohibits the bill's Parks and Wildlife Code provisions 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 Water Code provisions relating to the Texas Water Bank.

The substitute includes an authorization for TPWD to manage rights in the trust under a voluntary agreement with a rights holder.