

BILL ANALYSIS

Senate Research Center
81R21661 PMO-F

C.S.S.B. 913
By: Williams
Natural Resources
4/13/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Lower Neches Valley Authority (LNVA) acquired all the property and canal system of the Devers Rice Producers Association (Devers) and their lienholders in consideration for LNVA's commitments to integrate the Devers Canal System and to treat the Devers farmers the same as customers on the LNVA Canal system.

Devers owns property in Chambers, Liberty, and Jefferson counties. Currently LNVA has jurisdiction over all of Jefferson County and portions of Chambers County and Liberty County.

C.S.S.B. 913 authorizes LNVA to acquire, own, operate, maintain and improve the Devers Canal System in Chambers County and Liberty County, east of the Trinity River in Chambers, Liberty, and Jefferson Counties.

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 Chapter 63, Acts of the 43rd Legislature, 1st Called Session, 1933, by adding Section 13C, as follows:

Sec. 13C. (a) Defines "canal system," "commission," and "navigation district."

(b) Authorizes the Lower Neches Valley Authority (district) to acquire, own, operate, maintain, and improve the canal system; and enlarge and extend the canal system east of the Trinity River in Chambers, Liberty, and Jefferson Counties.

(c) Authorizes the district to own the water rights and appropriate and divert water of this state under the permits and contracts previously owned by and acquired from the Devers Canal Rice Producers Association, Inc.

(d) Authorizes the district, except as provided by Subsection (e) of this section, to distribute, sell, and use water of this state for any purpose approved by the Texas Commission on Environmental Quality (TCEQ).

(e) Requires the district, before entering into a contract to sell or provide water for any use other than irrigation in Chambers County outside the district's boundaries that the navigation district had authority to provide or sell under the navigation district's water rights on May 1, 2009, to send to the navigation district a written notice of intent to sell or provide water for nonirrigation use in Chambers County outside the district's boundaries and allow the navigation district 30 days to exercise a right of first refusal to provide the water.

(f) Authorizes the navigation district to exercise its right of first refusal under Subsection (e) of this section by delivering to the district notice that it intends to exercise that right not later than the 30th day after the date the navigation district receives the notice of intent under Subsection (e) of this section.

(g) Authorizes the district to enter into a contract described by Subsection (e) of this section only if the navigation district fails to comply with Subsection (f) of this section or complies with Subsection (f) of this section and does not enter into a contract to sell or otherwise provide water for the use described by the district's notice of intent under Subsection (e) of this section before the expiration of four months after the date the navigation district receives the notice of intent.

SECTION 2. Effective date: upon passage or September 1, 2009.