

BILL ANALYSIS

Senate Research Center
81R7836 PMO-D

S.B. 913
By: Williams
Natural Resources
3/31/2009
As Filed

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.

As proposed, S.B. 913 authorizes LNVA to own, operate, and expand the Devers Canal System in Chambers County and Liberty County, while at the same time protecting interest of the Chambers-Liberty Counties Navigation District. This bill authorizes LNVA to expand the system, if needed, to appropriate and divert water owned by Devers for its stated purpose, and to sell LNVA water through the Devers Canal System for any purpose.

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" and "commission."

(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 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 Company, the Trinity River Authority on behalf of the Devers Canal System, and 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) Prohibits the district from selling water for irrigation use in Chambers County to customers served by the Chambers-Liberty Counties Navigation District under a certified filing, permit, or certificate of adjudication held by the navigation district and issued by TCEQ without the approval of the navigation district.

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