

1-1 By: Ritter (Senate Sponsor - Williams) H.B. No. 2666
1-2 (In the Senate - Received from the House April 8, 2009;
1-3 April 15, 2009, read first time and referred to Committee on
1-4 Natural Resources; April 22, 2009, reported favorably by the
1-5 following vote: Yeas 9, Nays 0; April 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of the Lower Neches Valley Authority to
1-9 acquire, own, operate, maintain, and improve the Devers Canal
1-10 System, its water rights, and associated property.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 63, Acts of the 43rd Legislature, 1st
1-13 Called Session, 1933, is amended by adding Section 13C to read as
1-14 follows:

1-15 Sec. 13C. (a) In this section:

1-16 (1) "Canal system" means the canal system and
1-17 associated properties generally known as the Devers Canal System.

1-18 (2) "Commission" means the Texas Commission on
1-19 Environmental Quality.

1-20 (3) "Navigation district" means the Chambers-Liberty
1-21 Counties Navigation District.

1-22 (b) The district may:

1-23 (1) acquire, own, operate, maintain, and improve the
1-24 canal system; and

1-25 (2) enlarge and extend the canal system east of the
1-26 Trinity River in Chambers, Liberty, and Jefferson Counties.

1-27 (c) The district may own the water rights and appropriate
1-28 and divert water of this state under the permits and contracts
1-29 previously owned by and acquired from the Devers Canal Rice
1-30 Producers Association, Inc.

1-31 (d) Except as provided by Subsection (e) of this section,
1-32 the district may distribute, sell, and use water of this state for
1-33 any purpose approved by the commission.

1-34 (e) Before entering into a contract to sell or provide water
1-35 for any use other than irrigation in Chambers County outside the
1-36 district's boundaries that the navigation district had authority to
1-37 provide or sell under the navigation district's water rights on
1-38 May 1, 2009, the district must:

1-39 (1) send to the navigation district a written notice
1-40 of intent to sell or provide water for nonirrigation use in Chambers
1-41 County outside the district's boundaries; and

1-42 (2) allow the navigation district 30 days to exercise
1-43 a right of first refusal to provide the water.

1-44 (f) Not later than the 30th day after the date the
1-45 navigation district receives the notice of intent under Subsection
1-46 (e) of this section, the navigation district may exercise its right
1-47 of first refusal under Subsection (e) of this section by delivering
1-48 to the district notice that it intends to exercise that right.

1-49 (g) The district may enter into a contract described by
1-50 Subsection (e) of this section only if the navigation district:

1-51 (1) fails to comply with Subsection (f) of this
1-52 section; or

1-53 (2) complies with Subsection (f) of this section and
1-54 does not enter into a contract to sell or otherwise provide water
1-55 for the use described by the district's notice of intent under
1-56 Subsection (e) of this section before the expiration of four months
1-57 after the date the navigation district receives the notice of
1-58 intent.

1-59 SECTION 2. This Act takes effect immediately if it receives
1-60 a vote of two-thirds of all the members elected to each house, as
1-61 provided by Section 39, Article III, Texas Constitution. If this
1-62 Act does not receive the vote necessary for immediate effect, this
1-63 Act takes effect September 1, 2009.

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