

1-1 By: Williams S.B. No. 913  
1-2 (In the Senate - Filed February 17, 2009; March 9, 2009, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 14, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 10, Nays 0; April 14, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 913 By: Uresti

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the authority of the Lower Neches Valley Authority to  
1-11 acquire, own, operate, maintain, and improve the Devers Canal  
1-12 System, its water rights, and associated property.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 63, Acts of the 43rd Legislature, 1st  
1-15 Called Session, 1933, is amended by adding Section 13C to read as  
1-16 follows:

1-17 Sec. 13C. (a) In this section:

1-18 (1) "Canal system" means the canal system and  
1-19 associated properties generally known as the Devers Canal System.

1-20 (2) "Commission" means the Texas Commission on  
1-21 Environmental Quality.

1-22 (3) "Navigation district" means the Chambers-Liberty  
1-23 Counties Navigation District.

1-24 (b) The district may:

1-25 (1) acquire, own, operate, maintain, and improve the  
1-26 canal system; and

1-27 (2) enlarge and extend the canal system east of the  
1-28 Trinity River in Chambers, Liberty, and Jefferson Counties.

1-29 (c) The district may own the water rights and appropriate  
1-30 and divert water of this state under the permits and contracts  
1-31 previously owned by and acquired from the Devers Canal Rice  
1-32 Producers Association, Incorporated.

1-33 (d) Except as provided by Subsection (e) of this section,  
1-34 the district may distribute, sell, and use water of this state for  
1-35 any purpose approved by the commission.

1-36 (e) Before entering into a contract to sell or provide water  
1-37 for any use other than irrigation in Chambers County outside the  
1-38 district's boundaries that the navigation district had authority to  
1-39 provide or sell under the navigation district's water rights on  
1-40 May 1, 2009, the district must:

1-41 (1) send to the navigation district a written notice  
1-42 of intent to sell or provide water for nonirrigation use in Chambers  
1-43 County outside the district's boundaries; and

1-44 (2) allow the navigation district 30 days to exercise  
1-45 a right of first refusal to provide the water.

1-46 (f) The navigation district may exercise its right of first  
1-47 refusal under Subsection (e) of this section by delivering to the  
1-48 district notice that it intends to exercise that right not later  
1-49 than the 30th day after the date the navigation district receives  
1-50 the notice of intent under Subsection (e) of this section.

1-51 (g) The district may enter into a contract described by  
1-52 Subsection (e) of this section only if the navigation district:

1-53 (1) fails to comply with Subsection (f) of this  
1-54 section; or

1-55 (2) complies with Subsection (f) of this section and  
1-56 does not enter into a contract to sell or otherwise provide water  
1-57 for the use described by the district's notice of intent under  
1-58 Subsection (e) of this section before the expiration of four months  
1-59 after the date the navigation district receives the notice of  
1-60 intent.

1-61 SECTION 2. This Act takes effect immediately if it receives  
1-62 a vote of two-thirds of all the members elected to each house, as  
1-63 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this  
2-2 Act takes effect September 1, 2009.

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