

## **BILL ANALYSIS**

C.S.H.B. 2672  
By: Dutton  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current Texas Law, there is no governance of culverts or enclosed flood or drainage systems. C.S.H.B.2672 requires that a local governmental entity ensure that a sign warning of the hazard for a child, including the danger for injury or drowning, is clearly posted at the intake to each culvert or other enclosed flood or drainage system that the entity is responsible for maintaining within 100 feet on an elementary school. Additionally, the bill would require that the intake to each such culvert or other enclosed flood or drainage system that the entity is responsible for maintaining, within these specified parameters of 100 feet within an elementary school, be protected by a bar, grate, or other appropriate covering sufficient to ensure that a child may not be swept into the system.

### **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**

SECTION 1. This Act shall be known as Logan's Law.

SECTION 2. Chapter 756, Health and Safety Code, is amended by adding Subchapter I to read as follows:

#### **SUBCHAPTER I. CULVERTS OR OTHER DRAINAGE SYSTEMS**

Sec. 756.151. DUTY OF MUNICIPALITY. (a) This section applies only to an intake to a culvert or other enclosed flood or drainage system that is:

- (1) maintained by a municipality with a population of more than two million; and
- (2) located within 100 feet of an elementary school.

(b) A municipality shall ensure that:

- (1) each intake described by Subsection (a) is protected by a bar, grate, or other appropriate covering sufficient to ensure that a child may not be swept into the system; and
- (2) a sign warning of the hazard for a child, including the danger for injury or drowning, is clearly posted at the intake.

(c) A municipality shall ensure that each culvert or other enclosed flood or drainage system with an intake that is subject to the requirements of this section has a hinged opening or other type of opening and closing mechanism to permit emergency services personnel to access the system.

SECTION 3. Not later than September 1, 2011, a municipality with a population of more than two million shall ensure that each culvert or other enclosed flood or drainage system and each intake to the system meets the requirements of Section 756.151, Health and Safety Code, as added by this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011. September 1, 2011.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B.2672 differs from the original H.B.2672, in that C.S.H.B.2672 limits application of the bill to a municipality with a population of more than two million, and requires that the municipality maintain an intake or culvert or other enclosed flood drainage system located within

100 feet of an elementary school by ensuring that the intake is protected by a bar or grate or other appropriate covering, along with a hinged opening for opening and closing for emergency service personnel to access the system and the municipality is required to post a warning sign of the hazard at the intake.