

## **BILL ANALYSIS**

Senate Research Center  
86R25760 GRM-D

H.B. 1263  
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Water & Rural Affairs  
5/14/2019  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Following Hurricane Harvey, concerns were raised over some drainage districts' issues in performing clearing or maintenance duties due to the lack of access to areas located on private property.

H.B. 1263 seeks to address these concerns by authorizing a drainage district to order a property owner to clear or maintain certain infrastructure located on the owner's private property.

H.B. 1263 amends current law relating to an order by a drainage district to maintain certain infrastructure.

### **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 Subchapter D, Chapter 56, Water Code, by adding Section 56.112, as follows:

Sec. 56.112. ORDER TO MAINTAIN CERTAIN INFRASTRUCTURE ON PRIVATE PROPERTY. (a) Provides that this section does not apply to a property owner that is a railroad that owns or leases:

- (1) locomotives and freight rail cars; and
- (2) rights-of-way used for the purposes of transporting goods by rail between at least two terminuses.

(b) Authorizes the drainage district to order a property owner to clear or otherwise maintain a canal, drain, ditch, or levee located on the owner's private property.

(c) Authorizes a property owner who receives an order under Subsection (b) to comply with the order by:

- (1) providing consent for the district to perform the clearing or maintenance described in the order; or
- (2) performing the clearing or maintenance described in the order.

(d) Authorizes the district, if the property owner does not deny access to the property, if a property owner who receives an order under Subsection (b) fails to comply with the order before the 180th day after the date the order was issued, to enter the property to perform the clearing or maintenance described in the order.

SECTION 2. Effective date: September 1, 2019.