H.B. No. 1263

AN ACT

relating to an order by the Brazoria Drainage District Number 4 to maintain certain infrastructure.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Chapter 991, Acts of the 74th Legislature, Regular Session, 1995, is amended by adding Section 5A to read as follows:

SECTION 5A.  ORDER TO MAINTAIN CERTAIN INFRASTRUCTURE ON PRIVATE PROPERTY. (a) 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)  The district may order a property owner to clear or otherwise maintain a canal, drain, ditch, or levee located on the owner's private property.

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

SECTION 2.  This Act takes effect September 1, 2019.

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    President of the Senate Speaker of the House

I certify that H.B. No. 1263 was passed by the House on May 3, 2019, by the following vote:  Yeas 127, Nays 13, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1263 on May 24, 2019, by the following vote:  Yeas 118, Nays 21, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1263 was passed by the Senate, with amendments, on May 22, 2019, by the following vote:  Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                 Date

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               Governor