By:  Thompson of Brazoria (Senate Sponsor - Taylor) H.B. No. 1263

(In the Senate - Received from the House May 6, 2019; May 7, 2019, read first time and referred to Committee on Water & Rural Affairs; May 19, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; May 19, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Perry           X

Creighton       X

Alvarado        X

Johnson         X

Kolkhorst       X

Rodríguez       X

Taylor          X

COMMITTEE SUBSTITUTE FOR H.B. No. 1263 By:  Creighton

A BILL TO BE ENTITLED

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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