

By: Thompson of Brazoria

H.B. No. 1263

A BILL TO BE ENTITLED

AN ACT

relating to an order by a drainage district to maintain certain infrastructure.

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

SECTION 1. Subchapter D, Chapter 56, Water Code, is amended by adding Section 56.112 to read as follows:

Sec. 56.112. 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) 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) fails to comply with the order before the 180th day after the date the order was issued, the district, if the property

1 owner does not deny access to the property, may enter the property
2 to perform the clearing or maintenance described in the order.

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