

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

1 the 180th day after the date the order was issued, the district, if
2 the property owner does not deny access to the property, may enter
3 the property to perform the clearing or maintenance described in
4 the order.

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

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.

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.

Secretary of the Senate

APPROVED: _____

Date

Governor