

By: Toth

H.B. No. 4549

A BILL TO BE ENTITLED

AN ACT

relating to the clearance of a ditch for the purpose of flood prevention by certain counties.

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

SECTION 1. Section 254.008, Transportation Code, is amended to read as follows:

Sec. 254.008. REGULATION OF PRIVATE DITCHES IN COUNTIES OF 600,000 [~~100,000~~] OR LESS. (a) In a county with a population of 600,000 [~~100,000~~] or less, the commissioners court by order may:

(1) remove the blockage of a ditch on real property that is not owned by the county, if the ditch connects with a drainage ditch constructed or maintained by the county; [~~or~~]

(2) provide for the removal or clearance of a blockage from a ditch that is in violation of an order adopted under this section; or

(3) provide for clearance of blockage from a ditch for the purpose of flood prevention.

(b) Before a commissioners court acts to remove or clear a blockage under this section, the court shall send a notice by certified mail to the record owners of the property on which the blockage is located in violation of an order adopted under this section. The notice must inform the owners of the order and of the other relevant provisions of this section. The court may not remove or clear the blockage before the 20th day after the date the notice

1 is sent.

2 (c) The commissioners court shall pay the costs incurred in
3 clearing or removing a blockage under this section.

4 (d) In this section:

5 (1) "Blockage" means an accumulation of refuse,
6 vegetation, or other matter in a ditch that substantially decreases
7 or stops the flow of water through the ditch.

8 (2) "Ditch" includes a culvert or easement.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2019.