

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 22 2019

Larry Spaw
Secretary of the Senate

By: Taylor

H.B. No. 1263

Substitute the following for H.B. No. 1263:

By: Brandon Coe

C.S. H.B. No. 1263

A BILL TO BE ENTITLED

AN ACT

1

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

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

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

8 SECTION 5A. ORDER TO MAINTAIN CERTAIN INFRASTRUCTURE ON
9 PRIVATE PROPERTY. (a) This section does not apply to a property
10 owner that is a railroad that owns or leases:

11 (1) locomotives and freight rail cars; and

12 (2) rights-of-way used for the purposes of
13 transporting goods by rail between at least two terminuses.

14 (b) The district may order a property owner to clear or
15 otherwise maintain a canal, drain, ditch, or levee located on the
16 owner's private property.

17 (c) A property owner who receives an order under Subsection
18 (b) of this section may comply with the order by:

19 (1) providing consent for the district to perform the
20 clearing or maintenance described in the order; or

21 (2) performing the clearing or maintenance described
22 in the order.

23 (d) If a property owner who receives an order under
24 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.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1263 by Thompson, Ed (Relating to an order by the Brazoria Drainage District Number 4 to maintain certain infrastructure.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize drainage districts to order certain property owners to clear or maintain certain infrastructure on private property and to enter the property to perform the clearance or maintenance in certain circumstances.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 17, 2019

TO: Honorable Charles Perry, Chair, Senate Committee on Water & Rural Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1263 by Thompson, Ed (Relating to an order by the Brazoria Drainage District Number 4 to maintain certain infrastructure.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize drainage districts to order certain property owners to clear or maintain certain infrastructure on private property and to enter the property to perform the clearance or maintenance in certain circumstances.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 7, 2019

TO: Honorable Charles Perry, Chair, Senate Committee on Water & Rural Affairs

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1263 by Thompson, Ed (Relating to an order by a drainage district to maintain certain infrastructure.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize drainage districts to order certain property owners to clear or maintain certain infrastructure on private property and to enter the property to perform the clearance or maintenance in certain circumstances.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 17, 2019

TO: Honorable Lyle Larson, Chair, House Committee on Natural Resources

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1263 by Thompson, Ed (Relating to an order by a drainage district to maintain certain infrastructure.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize drainage districts to order certain property owners to clear or maintain certain infrastructure on private property and to enter the property to perform the clearance or maintenance in certain circumstances.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, SZ, SD, GP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 29, 2019

TO: Honorable Lyle Larson, Chair, House Committee on Natural Resources

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1263 by Thompson, Ed (Relating to an order by a drainage district to maintain certain infrastructure.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Water Code to authorize drainage districts to order a property owner to clear or maintain certain infrastructure on private property and to enter the property to perform the clearance or maintenance in certain circumstances.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: WP, SZ, SD, GP