

House Bill 1263
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 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.

SENATE VERSION (CS)

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. Same as House version.

CONFERENCE