

By: Thompson of Brazoria

H.B. No. 4435

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of certain counties to remediate an
3 overflow of water caused by a diversion or impoundment of the
4 natural flow of surface water.

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

6 SECTION 1. Section 11.086, Water Code, is amended by adding
7 Subsections (e) and (f) to read as follows:

8 (e) In a county with a population of more than 312,000 and
9 less than 330,000, the commissioners court by order may require the
10 county to:

11 (1) remediate an overflow of water caused by a
12 diversion or impoundment of the natural flow of surface water as
13 necessary to mitigate the effects of a natural disaster; or

14 (2) remediate an overflow of water caused by a
15 diversion or impoundment of the natural flow of surface water in
16 violation of Subsection (a) if:

17 (A) the commissioners court sends notice to the
18 person who is in violation of Subsection (a):

19 (i) informing the person of the violation;
20 and

21 (ii) requiring the person to remediate the
22 violation not later than the 30th day after the date of receipt of
23 the notice; and

24 (B) after receiving notice under Paragraph (A),

1 the person does not remedy the violation in the specified time.

2 (f) A county is not liable for damages caused by an action
3 taken pursuant to an order issued under Subsection (e).

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2021.