

BILL ANALYSIS

Senate Research Center
78R8002 SRC-D

S.B. 860
By: Wentworth
Natural Resources
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As Filed

DIGEST AND PURPOSE

A Texas County with a population of 100,000 or less may maintain ditches on real property that is not owned by the county, if the ditches connect with a drainage ditch constructed or maintained by that county. In some cases, county owned drainage ditches that collect runoff from other county owned facilities drain to ditches that are on private property, and when the county fails to keep all ditches clear, flooding results. As proposed, S.B. 860 requires a county with a population of 100,000 or less to clear ditches in platted subdivisions within 45 days of receiving a request, and provides that a county is liable for damages if it fails to remove a blockage within that time.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 254.008, Transportation Code, as follows:

Sec. 254.008. REGULATION OF PRIVATE DITCHES IN COUNTIES OF 100,000 OR LESS. (a) Provides that this section applies only in a county with a population of 100,000 or less.

(b) Creates this Subsection from existing text.

(c) Requires the commissioners court, on the request of the record owner of the property, to remove or provide for the removal or clearance of a blockage of a ditch on real property not owned by the county if certain criteria exist.

(d) Redesignated from existing Subsection (b).

(e) Requires the county, when acting to remove or clear a blockage under Subsection (c), to ensure that the entire length of the ditch on the property is clear to carry off to a natural waterway all water that may collect in the ditch. Requires the county to complete the removal before the 45th day after the date of receipt of the request. Provides that if the county fails to remove the blockage within that time, the county is liable to the property owner and to adjoining property owners for the cost of removal of the blockage and for property damage, personal injury, or death proximately caused by the blockage.

(f) Redesignated from existing Subsection (c).

(g) Redefines "blockage" to include silt. Redesignated from Subsection (d).

SECTION 2. Effective date: upon passage or September 1, 2003.