

BILL ANALYSIS

Senate Research Center
86R34203 GRM-D

C.S.H.B. 1263
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Water & Rural Affairs
5/17/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Following Hurricane Harvey, concerns were raised over some drainage districts' issues in performing clearing or maintenance duties due to the lack of access to areas located on private property.

H.B. 1263 seeks to address these concerns by authorizing a drainage district to order a property owner to clear or maintain certain infrastructure located on the owner's private property. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1263 amends current law relating to an order by the Brazoria Drainage District Number 4 to maintain certain infrastructure.

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 Chapter 991, Acts of the 74th Legislature, Regular Session, 1995, by adding Section 5A, as follows:

SECTION 5A. ORDER TO MAINTAIN CERTAIN INFRASTRUCTURE ON PRIVATE PROPERTY. (a) Provides that 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) Authorizes the drainage district to order a property owner to clear or otherwise maintain a canal, drain, ditch, or levee located on the owner's private property.

(c) Authorizes a property owner who receives an order under Subsection (b) of this section to 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) Authorizes the district, if the property owner does not deny access to the property, 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, to enter the property to perform the clearing or maintenance described in the order.

SECTION 2. Effective date: September 1, 2019.