

BILL ANALYSIS

C.S.H.B. 1263
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Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the lack of access some drainage districts have to areas located on private property, which creates issues for these districts in performing clearing or maintenance duties. C.S.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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1263 amends the Water Code to authorize a 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. The bill authorizes a property owner who receives such an order to comply with the order by providing consent for the district to perform the clearing or maintenance described in the order or by performing that clearing or maintenance. The bill authorizes a district to enter a property to perform that clearing or maintenance if the property owner fails to comply with the order before the 180th day after the date the order was issued and does not deny access to the property. The bill exempts from its provisions a property owner that is a railroad that owns or leases locomotives, freight rail cars, and rights-of-way used for the purposes of transporting goods by rail between at least two terminuses.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1263 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision exempting a property owner that is a railroad meeting certain requirements from the bill's provisions.

The substitute includes performing the clearing or maintenance as an alternative means by which a property owner may comply with an applicable order. The substitute conditions a district's authority to enter a property to perform the clearing or maintenance after noncompliance by the property owner on the property owner not denying access to the property.