

By: Lopez of Bexar

H.B. No. 435

A BILL TO BE ENTITLED

AN ACT

relating to certain improvements made to certain land subject to  
inundation.

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

SECTION 1. Section 11.090, Water Code, is amended to read as  
follows:

Sec. 11.090. POLLUTING AND LITTERING. (a) A person may not  
~~[No person may]~~ deposit in any canal, lateral, reservoir, or lake,  
used for a purpose named in this chapter, the carcass of any dead  
animal, tin cans, discarded buckets or pails, garbage, ashes,  
bailing or barbed wire, earth, offal, or refuse of any character or  
any other article which might pollute the water or obstruct the flow  
of a canal or similar structure.

(b) This subsection applies to land that is adjacent to a  
body of water the level of which is subject to fluctuation. A  
property owner that constructs or has constructed a structure or  
improvement of any kind on land that is subject to inundation by a  
body of water is considered in violation of Subsection (a). A  
person who is injured or whose property is injured by a structure or  
improvement constructed in violation of Subsection (a) has remedies  
at law and in equity and may recover damages for the injury.

SECTION 2. This Act takes effect September 1, 2023.