

BILL ANALYSIS

C.S.H.B. 3340
By: Bohac
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that several decades ago a national flood insurance program was created to provide adequate indemnification for the loss of property suffered by victims of recurring flood disasters throughout the nation. The parties note that in order for a community to participate in the program the community must adopt a flood damage prevention ordinance that meets certain standards and must designate a community floodplain administrator to enforce such ordinance. The parties note the need for legislation relating to the designation, functions, accreditation, and continuing education of floodplain administrators in Texas. C.S.H.B. 3340 seeks to address this need.

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 rulemaking authority is expressly granted to the Texas Water Development Board in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 3340 amends the Water Code to require the governing body of each city and county to designate a floodplain administrator to administer and implement laws and regulations relating to the management of floodplains. The bill requires a floodplain administrator to be accredited by the Texas Water Development Board (TWDB) and requires the TWDB by rule to establish accreditation standards for floodplain administrators, which may require passage of an examination, completion of approved training, or certification by a nationally recognized floodplain management organization. The bill requires the TWDB, in establishing accreditation standards, to consider the knowledge, experience, skills, and training necessary to prevent or minimize flood hazards and losses. The bill requires the TWDB by rule to establish requirements for mandatory continuing education or training for accredited floodplain administrators and requires the rules to require a floodplain administrator to complete not less than six hours of continuing education or training each year. The bill authorizes the TWDB to adopt rules necessary to implement and enforce the bill's provisions relating to floodplain administrators.

C.S.H.B. 3340 expands the purposes for which the TWDB may use the floodplain management account to include the provision of initial or continuing education or training in order for floodplain administrators to obtain or maintain accreditation. The bill expands the conduct that constitutes the Class C misdemeanor offense involving violating the Flood Control and Insurance Act to include violating a rule adopted or order issued under the act.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3340 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter I, Chapter 16, Water Code, is amended.

SECTION 2. Section 16.3161(c), Water Code, is amended to read as follows:

- (c) The board may use the account to:
- (1) fund the performance of the board's functions under Section 16.316; and
 - (2) reimburse cities and counties for the costs incurred in complying with the accreditation and continuing education or training requirements for floodplain administrators established by the board under Section 16.3151.

No equivalent provision.

No equivalent provision.

SECTION 3. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Substantially the same as introduced version.

SECTION 2. Section 16.3161(c), Water Code, is amended to read as follows:

- (c) The board may use the account to:
- (1) fund the performance of the board's functions under Section 16.316; and
 - (2) provide initial or continuing education or training in order for floodplain administrators to obtain or maintain accreditation under Section 16.3151.

SECTION 3. Section 16.3221(a), Water Code, is amended to read as follows:

- (a) A person commits an offense if the person violates this subchapter or a rule adopted or order issued under this subchapter.

SECTION 4. The change in law made by this Act applies only to a violation committed on or after the effective date of this Act. A violation committed before the effective date of this Act is governed by the law in effect on the date the violation was committed, and the former law is continued in effect for that purpose. For purposes of this section, a violation was committed before the effective date of this Act if any element of the violation occurred before that date.

SECTION 5. Same as introduced version.