

SUBJECT: Enforcement of the National Flood Insurance Program

COMMITTEE: Land and Resource Management — favorable, with amendment

VOTE: 6 ayes — Saunders, Mowery, Alexander, Howard, Krusee, B. Turner

0 nays

3 absent — Combs, Hamric, Hilderbran

SENATE VOTE: On final passage, May 8 — 30-0

WITNESSES: (*On House companion bill, HB 463*):

For — Ray Rike, Tarrant County; Jon Weist, County Commissioner Marti Van Ravenswood; David Carroll, Travis County Public Improvement and Transportation District

Against — None

DIGEST: SB 623, as amended, would give Tarrant County the statutory authority to enforce flood plain regulations through civil penalties.

A person in Tarrant County who violated a rule adopted or order issued under Chapter 16, subchapter I of the Water Code, would be subject to a civil penalty of not more than \$100 for each act of violation and each day of violation.

A political subdivision in Tarrant County could institute a civil suit in district court to obtain injunctive relief to restrain the person from continuing or threatening to continue the violation and/or for the assessment and recovery of the civil penalty. The suit could include an order directing the person to remove illegal improvements and restore preexisting conditions.

The district court would be required to grant such injunctive relief as the facts warrant on a finding that the person has violated, is violating or is threatening to violate statutory flood plain regulations.

The bill would take effect September 1, 1995.

**SUPPORTERS  
SAY:**

Counties currently have no statutory authority to enforce flood plain regulations. In Tarrant County this has led to illegal construction in the flood plain, and the county can do nothing except send a letter to the person who is violating the regulations and ask them to desist. SB 623 as amended, would give Tarrant County the statutory authority it needs to enforce flood plain regulations under the Water Code.

**OPPONENTS  
SAY:**

It would be unwise to expand county authority to regulate development of any kind. It would be more appropriate for the state to regulate flood plain regulations.

**OTHER  
OPPONENTS  
SAY:**

All counties, especially coastal counties, should have the ability to enforce statutory flood plain regulations. There is no reason for the bill to apply only to Tarrant County.

**NOTES:**

The committee amendment would limit application of the bill to only Tarrant County.

The companion bill, HB 463 by Brimer, was placed on the General State Calendar for May 10 but was not considered by the House.