

BILL ANALYSIS

Senate Research Center

H.B. 218
By: Brimer (Harris)
Natural Resources
5-14-97
Committee Report (Amended)

DIGEST

Currently, Texas law does not authorize a political subdivision to institute a civil action against a person who violates the National Flood Insurance Program. As a result, counties have difficulty in controlling new building in a flood plain. Flood plain construction can affect flood or fire insurance rates, availability of disaster assistance, or liability exposure. This bill establishes a civil penalty for violations of the National Flood Insurance Program and authorizes political subdivisions to institute a civil action against a person who has violated, is violating, or is threatening to violate the National Flood Insurance Program.

PURPOSE

As proposed, H.B. 218 establishes a civil penalty for violations of the National Flood Insurance Program and authorizes political subdivisions to institute a civil action against a person who has violated, is violating, or is threatening to violate the National Flood Insurance Program.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 16I, Water Code, by adding Sections 16.322 and 16.323, as follows:

Sec. 16.322. CIVIL PENALTY. Provides that a person who violates this subchapter or a rule adopted or order issued under this subchapter is subject to a civil penalty of not more than \$100 for each act of violation and for each day of violation.

Sec. 16.323. ENFORCEMENT BY COUNTY. Authorizes a county, if it appears that a person has violated, is violating, or is threatening to violate this subchapter or a rule adopted or order issued under this subchapter, to institute a civil suit in district court for injunctive relief, assessment and recovery of the civil penalty provided by Section 16.322, or both. Requires the district court, on application for injunctive relief and a finding that a person has violated, is violating, or is threatening to violate this subchapter or a rule adopted or order issued under this subchapter, to grant the injunctive relief that the facts warrant. Provides that this section applies only to a county containing two or more municipalities each of which has a population of 250,000 or more.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

In SECTION 1, Section 16.322, replace the phrase "Section 16.323" with the phrase "this subchapter" wherever it appears in the subsection.