

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1600
By: Lindsay
Natural Resources
4-10-97
Committee Report (Substituted)

DIGEST

Currently, the commissioner of the General Land Office is authorized to establish rules adequate to meet all erosion-related requirements of the National Flood Insurance Act of 1968. Certain actions taken by political subdivisions regarding structures in imminent danger of collapse from coastal erosion must comply with rules adopted by the commissioner.

In addition, the commissioner is authorized to adopt and enforce regulations necessary for protection from flooding on areas fronting the Gulf of Mexico. Political subdivisions are likewise authorized to establish flood plain rules under separate statutory authorization, including rules to ensure that structures built in flood-prone areas are protected from flooding and structurally able to withstand flood waters.

Political subdivisions have certain site specific conditions which make it necessary to adopt more stringent rules to ensure that new structures are protected from flooding. However, the current statutory language is unclear as to whether a political subdivision can adopt regulations which are stricter than those of the General Land Office. This legislation authorizes a political subdivision to adopt rules that are more stringent than those of the commissioner of the General Land Office in order to protect structures from flooding and coastal erosion due to flooding.

PURPOSE

As proposed, C.S.S.B. 1600 provides that a political subdivision is not precluded from establishing rules and regulations that are stricter than those established by the General Land Office.

RULEMAKING AUTHORITY

Rulemaking authority is granted to a political subdivision under SECTIONS 1 and 2 (Section 16.320 and 16.321, Water Code), of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.320, Water Code, to require, except as otherwise provided by this section, all actions taken by political subdivisions under Section 16.315 of this code with respect to structures in imminent danger of collapse from coastal erosion to comply with rules and regulations adopted by the commission under this section. Authorizes a political subdivision to adopt rules that are more stringent than those adopted by the commissioner of the General Land Office (commissioner).

SECTION 2. Amends Section 16.321, Water Code, to make conforming changes.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends proposed Section 16.320, Water Code, to set forth an exception. Authorizes a political subdivision to adopt rules that are more stringent than those adopted by the commissioner, rather than providing that a political subdivision is not precluded from establishing rules and regulations that are stricter than those established by the commissioner.

SECTION 2.

Amends proposed Section 16.321, Water Code, to make conforming changes.