

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1601
By: Lindsay
Natural Resources
4-9-97
Committee Report (Substituted)

DIGEST

Currently, several flood-prone counties in Texas participate in the National Flood Insurance Program to enable residents of the county to purchase flood insurance, and to be eligible for federal disaster relief assistance. A prerequisite to participation in this program is the adoption and enforcement of a minimum set of flood plain management regulations by a county. Municipalities may ensure compliance with flood plain rules by preventing the issuance of building permits and connection of utility services for structures which are not in compliance with its flood plain rules. This bill will grant counties the same authority as municipalities by requiring that flood plain management permits for development in the flood plain be obtained from the county prior to utility connection.

PURPOSE

As proposed, C.S.S.B. 1601 grants authority to certain counties to regulate development in flood-prone areas.

RULEMAKING AUTHORITY

Rulemaking authority is granted to a commissioners court in SECTION 1 (Section 240.901(c), Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 240.901, Local Government Code, by amending Subsection (c) and adding Subsections (f) and (g), to authorize commissioners courts to adopt rules prohibiting the connection of certain land with water, sewer, electricity, gas, or other utility service, if the structure or other development on the land is not in compliance with a rule adopted by the commissioners court. Prohibits a person from providing certain utilities that connect the land with utility services without written certification from the county that the property complies with rules adopted under this section, if the commissioners court prohibits the connection of land with certain utilities under Subsection (c)(4). Authorizes a commissioners court to authorize procedures for filing a notice, in the real property records of the county in which the property is located that identifies any condition on the property that the county determines violates the rules adopted under this section or a permit issued under this section. Provides that the notice is not a final legal determination and is meant only to provide notice of the county's determination that a violation of the rules or a permit exists on the property.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 240.901, Local Government Code, to redesignate proposed Subsection (d) as Subsection (f); to delete proposed Subsections (f) and (d), regarding penalties and regulations regarding a civil suit; to redesignate proposed Subsection (h) as Subsection (g); and to make nonsubstantive changes.