

BILL ANALYSIS

Senate Research Center
80R8913 JRH-D

S.B. 1588
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4/17/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law authorizes political subdivisions to take certain actions to comply with the requirements and criteria for the National Flood Insurance Program (program). The program was created in 1968 with the passage of the National Flood Insurance Act, combining insurance protection with hazard mitigation by making federally-backed flood insurance available to communities that agree to adopt and enforce floodplain management ordinances that will reduce or prevent future flood damage. A community can also attain eligibility for the program by ensuring that substantial improvements to existing buildings within identified special flood hazard areas are designed to eliminate or minimize flood damage. Property owners, whether or not they are located within the floodplain, can purchase flood insurance. One in four program claims come from outside high-risk areas. Before passage of this Act, the national response to flood disasters was to build dams, levees, and other structures to hold back water, a policy that may have encouraged further development within flood zones.

This past July and August, historic floods swept through the City and County of El Paso. These floods continued over a period of more than a month, causing extensive and costly damage to infrastructure, homes, businesses, and other property to the extent that the region was declared a federal disaster area. Estimated damage was in the tens of millions of dollars.

As proposed, S.B. 1588 ensures that political subdivisions adopt measures that are not less stringent than those set forth by the National Flood Insurance Program. This bill also provides for the imposition of penalties on landowners that are in violation of such measures.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 16.315 and 16.319, Water Code, as follows:

Sec. 16.315. **POLITICAL SUBDIVISIONS; COMPLIANCE WITH FEDERAL REQUIREMENTS.** Authorizes all political subdivisions to take all necessary and reasonable actions to comply with the requirements and criteria for the National Flood Insurance Program (program) regarding adopting and enforcing permanent land use and control measures that are not less stringent than those, rather than consistent with the criteria, established under the National Flood Insurance Act, and providing for the imposition of penalties on landowners who violate this subchapter (Flood Insurance) or rules adopted or orders issued under this subchapter. Authorizes all political subdivisions to take all necessary and reasonable actions to comply with the requirements and criteria for the National Flood Insurance Program regarding adopting permanent land use and control measures with enforcement provisions that are not less stringent than, rather than which are consistent with, the criteria for land management and use adopted by the director of the Federal Emergency Management Agency (director).

Sec. 16.319. **QUALIFICATION.** Requires political subdivisions wishing to qualify under the program to have the authority to do so by complying with the directions of the Federal Emergency Management Agency (FEMA) and by evidencing to the director a positive interest in securing flood insurance coverage under the program and giving to the

director satisfactory assurance that measures will have been adopted for the political subdivision that will be not less stringent than, rather than which measures will be consistent with, the comprehensive criteria for land management and use developed by FEMA.

SECTION 2. Effective date: September 1, 2007.