

BILL ANALYSIS

Senate Research Center
81R9339 SMF-F

S.B. 1288
By: West
Finance
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1436 was enacted last session and was signed into law by the governor. To save lives and money by generating more accurate floodplain mapping information, and to increase community assistance in meeting and maintaining Federal Emergency Management Agency (FEMA) requirements for the National Flood Insurance Program, thereby enabling both consumers and insurance companies to better assess flooding risks, the bill transfers responsibility for flooding and floodplain coordination, education, mapping, and outreach from the Texas Commission on Environmental Quality to the Texas Water Development Board (TWDB), commits adequate staff to the ongoing project on a regional basis, and directs TWDB to encourage FEMA to map on a river basin or river system scale using geography rather than artificial political boundaries.

As proposed, S.B. 1288 redesignates the floodplain management account created by S.B. 1436 during the 80th Legislature, Regular Session, 2007, as the floodplain management fund, and recreates it as a special fund in the state treasury outside the general revenue fund. S.B. 1288 also permits interest earned on the fund to remain in the fund and exempts the fund from Section 403.095 (Use of Dedicated Revenue), Government Code.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.3161, Water Code, as follows:

Sec. 16.3161. New heading: FLOODPLAIN MANAGEMENT FUND. (a) Provides that the floodplain management fund (fund), rather than account, is a special fund in the state treasury outside the general revenue fund. Provides that the fund is composed of interest earned on money credited to the fund. Makes conforming and nonsubstantive changes.

(b)-(d) Makes conforming changes.

(e) Provides that Section 403.095 (Use of Dedicated Revenue), Government Code, does not apply to the fund.

SECTION 2. Amends Section 251.004(b), Insurance Code, to require the comptroller of public accounts to reallocate to the fund, rather than account, established under Section 16.3161, Water Code, the first \$3.05 million of the maintenance taxes collected under Chapter 252 (Fire and Allied Lines Insurance), and deposited in the general revenue fund.

SECTION 3. Provides that the floodplain management account established under Section 16.3161, Water Code, is redesignated as the floodplain management fund and re-created by this Act as a special fund in the state treasury outside the general revenue fund, and requires that the revenue required by Section 251.004 (Deposit of Maintenance Taxes), Insurance Code, and Section 16.31.61, Water Code, to be reallocated to or deposited in the fund, as applicable, be reallocated to or deposited in the fund for the purposes specified by Section 16.3161.

SECTION 4. Effective date: upon passage or September 1, 2009.