

By: Lozano

H.B. No. 4354

Substitute the following for H.B. No. 4354:

By: Oliverson

C.S.H.B. No. 4354

A BILL TO BE ENTITLED

AN ACT

relating to a mitigation and preparedness program administered by the Texas Windstorm Insurance Association.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2210.454, Insurance Code, is amended to read as follows:

Sec. 2210.454. MITIGATION AND PREPAREDNESS PROGRAM [~~PLAN~~]. (a) Subject to a plan approved by the [~~The~~] commissioner, the association may administer [~~shall annually develop and implement~~] a mitigation and preparedness program [~~plan~~].

(b) Each [~~state fiscal~~] year, the association [~~department~~] may fund the mitigation and preparedness program [~~plan~~] using money from the catastrophe reserve trust fund not to exceed \$500,000 annually [~~available funds~~].

(c) The association must design the mitigation and preparedness program [~~plan must provide for actions to be taken in the seacoast territory by the commissioner, or by a local government, state agency, educational institution, or nonprofit organization designated by the commissioner in the plan, to implement programs~~] to:

(1) improve preparedness for windstorm and hail catastrophes; and

(2) reduce potential losses in the event of such a catastrophe [~~, and~~

1 ~~[(3) provide research into the means to:~~

2 ~~[(A) reduce those losses;~~

3 ~~[(B) educate or inform the public in determining~~
4 ~~the appropriateness of particular upgrades to structures; or~~

5 ~~[(C) protect infrastructure from potential~~
6 ~~damage from those catastrophes].~~

7 (d) Money ~~[in excess of \$1 million]~~ may not be used under
8 this section if the commissioner determines that an expenditure ~~[of~~
9 ~~investment income]~~ from the trust fund would jeopardize the
10 actuarial soundness of the association ~~[fund]~~ or materially impair
11 the ability of the association ~~[fund]~~ to serve the state purposes
12 for which the association ~~[fund]~~ was established.

13 SECTION 2. This Act takes effect September 1, 2023.