

By: Shapleigh

S.B. No. 1588

A BILL TO BE ENTITLED

AN ACT

relating to compliance by political subdivisions with the requirements and criteria of the National Flood Insurance Program.

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

SECTION 1. Sections 16.315 and 16.319, Water Code, are amended to read as follows:

Sec. 16.315. POLITICAL SUBDIVISIONS; COMPLIANCE WITH FEDERAL REQUIREMENTS. All political subdivisions are hereby authorized to take all necessary and reasonable actions to comply with the requirements and criteria of the National Flood Insurance Program, including but not limited to:

(1) making appropriate land use adjustments to constrict the development of land which is exposed to flood damage and minimize damage caused by flood losses;

(2) guiding the development of proposed future construction, where practicable, away from a location which is threatened by flood hazards;

(3) assisting in minimizing damage caused by floods;

(4) authorizing and engaging in continuing studies of flood hazards in order to facilitate a constant reappraisal of the flood insurance program and its effect on land use requirements;

(5) engaging in floodplain management, ~~and~~ adopting and enforcing permanent land use and control measures that are not less stringent than those ~~[consistent with the criteria]~~

1 established under the National Flood Insurance Act, and providing  
2 for the imposition of penalties on landowners who violate this  
3 subchapter or rules adopted or orders issued under this subchapter;

4 (6) declaring property, when such is the case, to be in  
5 violation of local laws, regulations, or ordinances which are  
6 intended to discourage or otherwise restrict land development or  
7 occupancy in flood-prone areas and notifying the director, or  
8 whomever the director designates, of such property;

9 (7) consulting with, giving information to, and  
10 entering into agreements with the Federal Emergency Management  
11 Agency for the purpose of:

12 (A) identifying and publishing information with  
13 respect to all flood areas, including coastal areas; and

14 (B) establishing flood-risk zones in all such  
15 areas and making estimates with respect to the rates of probable  
16 flood-caused loss for the various flood-risk zones for each of  
17 these areas;

18 (8) cooperating with the director's studies and  
19 investigations with respect to the adequacy of local measures in  
20 flood-prone areas as to land management and use, flood control,  
21 flood zoning, and flood damage prevention;

22 (9) taking steps, using regional, watershed, and  
23 multi-objective approaches, to improve the long-range management  
24 and use of flood-prone areas;

25 (10) purchasing, leasing, and receiving property from  
26 the director when such property is owned by the federal government  
27 and lies within the boundaries of the political subdivision

1 pursuant to agreements with the Federal Emergency Management Agency  
2 or other appropriate legal representative of the United States  
3 Government;

4 (11) requesting aid pursuant to the entire  
5 authorization from the commission;

6 (12) satisfying criteria adopted and promulgated by  
7 the commission pursuant to the National Flood Insurance Program;

8 (13) adopting permanent land use and control measures  
9 with enforcement provisions that are not less stringent than [~~which~~  
10 ~~are consistent with~~] the criteria for land management and use  
11 adopted by the director;

12 (14) adopting more comprehensive floodplain  
13 management rules that the political subdivision determines are  
14 necessary for planning and appropriate to protect public health and  
15 safety;

16 (15) participating in floodplain management and  
17 mitigation initiatives such as the National Flood Insurance  
18 Program's Community Rating System, Project Impact, or other  
19 initiatives developed by federal, state, or local government; and

20 (16) collecting reasonable fees to cover the cost of  
21 administering a local floodplain management program.

22 Sec. 16.319. QUALIFICATION. Political subdivisions  
23 wishing to qualify under the National Flood Insurance Program shall  
24 have the authority to do so by complying with the directions of the  
25 Federal Emergency Management Agency and by:

26 (1) evidencing to the director a positive interest in  
27 securing flood insurance coverage under the National Flood

1 Insurance Program; and

2 (2) giving to the director satisfactory assurance that  
3 measures will have been adopted for the political subdivision that  
4 ~~[which measures]~~ will be not less stringent than ~~[consistent with]~~  
5 the comprehensive criteria for land management and use developed by  
6 the Federal Emergency Management Agency.

7 SECTION 2. This Act takes effect September 1, 2007.