

1-1 By: Shapleigh S.B. No. 1588
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read
1-3 first time and referred to Subcommittee on Flooding and
1-4 Evacuations; April 27, 2007, reported adversely, with favorable
1-5 Committee Substitute from Committee on Intergovernmental Relations
1-6 by the following vote: Yeas 3, Nays 0; April 27, 2007, sent to
1-7 printer.)

1-8 COMMITTEE SUBSTITUTE FOR S.B. No. 1588 By: Patrick

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to compliance by political subdivisions with the
1-12 requirements and criteria of the National Flood Insurance Program.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Sections 16.315 and 16.319, Water Code, are
1-15 amended to read as follows:

1-16 Sec. 16.315. POLITICAL SUBDIVISIONS; COMPLIANCE WITH
1-17 FEDERAL REQUIREMENTS. All political subdivisions are hereby
1-18 authorized to take all necessary and reasonable actions that are
1-19 not less stringent than ~~[to comply with]~~ the requirements and
1-20 criteria of the National Flood Insurance Program, including but not
1-21 limited to:

1-22 (1) making appropriate land use adjustments to
1-23 constrict the development of land which is exposed to flood damage
1-24 and minimize damage caused by flood losses;

1-25 (2) guiding the development of proposed future
1-26 construction, where practicable, away from a location which is
1-27 threatened by flood hazards;

1-28 (3) assisting in minimizing damage caused by floods;

1-29 (4) authorizing and engaging in continuing studies of
1-30 flood hazards in order to facilitate a constant reappraisal of the
1-31 flood insurance program and its effect on land use requirements;

1-32 (5) engaging in floodplain management, ~~[and]~~ adopting
1-33 and enforcing permanent land use and control measures that are not
1-34 less stringent than those ~~[consistent with the criteria]~~
1-35 established under the National Flood Insurance Act, and providing
1-36 for the imposition of penalties on landowners who violate this
1-37 subchapter or rules adopted or orders issued under this subchapter;

1-38 (6) declaring property, when such is the case, to be in
1-39 violation of local laws, regulations, or ordinances which are
1-40 intended to discourage or otherwise restrict land development or
1-41 occupancy in flood-prone areas and notifying the director, or
1-42 whomever the director designates, of such property;

1-43 (7) consulting with, giving information to, and
1-44 entering into agreements with the Federal Emergency Management
1-45 Agency for the purpose of:

1-46 (A) identifying and publishing information with
1-47 respect to all flood areas, including coastal areas; and

1-48 (B) establishing flood-risk zones in all such
1-49 areas and making estimates with respect to the rates of probable
1-50 flood-caused loss for the various flood-risk zones for each of
1-51 these areas;

1-52 (8) cooperating with the director's studies and
1-53 investigations with respect to the adequacy of local measures in
1-54 flood-prone areas as to land management and use, flood control,
1-55 flood zoning, and flood damage prevention;

1-56 (9) taking steps, using regional, watershed, and
1-57 multi-objective approaches, to improve the long-range management
1-58 and use of flood-prone areas;

1-59 (10) purchasing, leasing, and receiving property from
1-60 the director when such property is owned by the federal government
1-61 and lies within the boundaries of the political subdivision
1-62 pursuant to agreements with the Federal Emergency Management Agency
1-63 or other appropriate legal representative of the United States

2-1 Government;

2-2 (11) requesting aid pursuant to the entire

2-3 authorization from the commission;

2-4 (12) satisfying criteria adopted and promulgated by

2-5 the commission pursuant to the National Flood Insurance Program;

2-6 (13) adopting permanent land use and control measures

2-7 with enforcement provisions that are not less stringent than ~~[which~~

2-8 ~~are consistent with]~~ the criteria for land management and use

2-9 adopted by the director;

2-10 (14) adopting more comprehensive floodplain

2-11 management rules that the political subdivision determines are

2-12 necessary for planning and appropriate to protect public health and

2-13 safety;

2-14 (15) participating in floodplain management and

2-15 mitigation initiatives such as the National Flood Insurance

2-16 Program's Community Rating System, Project Impact, or other

2-17 initiatives developed by federal, state, or local government; and

2-18 (16) collecting reasonable fees to cover the cost of

2-19 administering a local floodplain management program.

2-20 Sec. 16.319. QUALIFICATION. Political subdivisions

2-21 wishing to qualify under the National Flood Insurance Program shall

2-22 have the authority to do so by complying with the directions of the

2-23 Federal Emergency Management Agency and by:

2-24 (1) evidencing to the director a positive interest in

2-25 securing flood insurance coverage under the National Flood

2-26 Insurance Program; and

2-27 (2) giving to the director satisfactory assurance that

2-28 measures will have been adopted for the political subdivision that

2-29 ~~[which measures]~~ will be not less stringent than ~~[consistent with]~~

2-30 the comprehensive criteria for land management and use developed by

2-31 the Federal Emergency Management Agency.

2-32 SECTION 2. This Act takes effect September 1, 2007.

2-33

* * * * *