

BILL ANALYSIS

Senate Research Center

S.B. 1601
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Natural Resources
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As Filed

DIGEST

Currently, several flood-prone counties in Texas participate in the National Flood Insurance Program to enable residents of the county to purchase flood insurance, and to be eligible for federal disaster relief assistance. A prerequisite to participation in this program is the adoption and enforcement of a minimum set of flood plain management regulations by a county. Municipalities may ensure compliance with flood plain rules by preventing the issuance of building permits and connection of utility services for structures which are not in compliance with its flood plain rules. This bill will grant counties the same authority as municipalities by requiring that flood plain management permits for development in the flood plain be obtained from the county prior to utility connection.

PURPOSE

As proposed, S.B. 1601 grants authority to certain counties to regulate development in flood-prone areas.

RULEMAKING AUTHORITY

Rulemaking authority is granted to a commissioners court in SECTION 1 (Section 240.901(c), Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 240.901, Local Government Code, to authorize commissioners courts to adopt rules prohibiting the connection of land with water, sewer, electricity, gas, or other utility service, if a structure or other development on the land is not in compliance with a rule adopted by the commissioners court. Prohibits an entity or person providing certain utilities, if a commissioners court prohibits connection of land with certain utilities, from connecting the land with utility services without written certification from the county that the property complies with rules adopted under this section. Sets forth penalties for violation of rules adopted by a commissioners court or a permit issued pursuant to the rules adopted under this section. Authorizes a commissioners court to authorize procedures for filing a notice, in the real property records of the county in which a property is located, that specifically identifies any condition on the property which the county determines violates the rules or a permit issued pursuant to the rules. Provides that a county is not required to initiate a lawsuit prior to filing such a notice. Requires the notice to be filed solely to provide notice of the county's determination that a violation of the rules or a permit exists at the property. Requires the certificate to be for notice purposes only and to not be considered a final legal determination.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.