

BILL ANALYSIS

Senate Research Center
85R4284 JAM-F

S.B. 1777
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law within the Water Code, counties are allowed to put into effect reasonable rules to administer flood plain statutes listed in the Flood Control and Insurance Act. Furthermore, the law is clear that if a person were to violate the Flood Control and Insurance Act, and any rules counties put into effect to administer the Act, they would be subjected to a civil penalty. Similarly, the Flood Control and Insurance Act makes it a Class C misdemeanor if a violation of the Act occurs. However, unfortunately, there is no language to spell out that criminal violations apply to both the statute and the rules put into effect under the statute causing inconsistent responses to violations. For example, some district attorneys have sought civil penalties along with a Class C misdemeanor charge but others do not because of lack of explicit clarification.

S.B. 1777:

- Adds language to clarify that a person commits an offense if the person violates the Flood Control and Insurance Act or a rule adopted or order issued under the act.
- This bill is just a cleanup for counties to explicitly codify their enforcement authority.

Supporters include: Harris County Attorney's Office, Harris County Commissioners Court

As proposed, S.B. 1777 amends current law relating to the imposition of a criminal penalty for the violation of a rule adopted or order issued under the Flood Control and Insurance Act.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.3221(a), Water Code, to provide that a person commits an offense if the person violates this subchapter (Flood Insurance) or a rule adopted or order issued under this subchapter, rather than providing that a person commits an offense if the person violates this subchapter.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.