

BILL ANALYSIS

H.B. 4568
By: Cyrier
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised that certain national flood maps may be outdated or inaccurate and that such maps may still be used by government agencies to make decisions, such as certain permitting decisions regarding municipal solid waste facilities in and around flood-prone areas, that may increase waste contamination risks for local communities. H.B. 4568 seeks to address these concerns by providing for the certain submission and use of local flood maps.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Water Development Board in SECTION 1 of this bill.

ANALYSIS

H.B. 4568 amends the Water Code to authorize a local floodplain manager, as defined by the bill, who has information regarding a floodplain, flood-prone area, or flood-risk zone in the manager's political subdivision that is more recent than the information in the national flood map used in the political subdivision to deliver the following to the Texas Water Development Board (TWDB):

- a local flood map that represents the more recent information;
- information relevant to the creation of the local flood map; and
- a sworn statement that the information represented in the local flood map is accurate to the best of the local floodplain manager's knowledge.

H.B. 4568 requires the TWDB, on receipt of an updated local flood map and sworn statement, to certify the map and make it available on the TWDB website. The bill exempts a local floodplain manager from personal liability for damages arising from the use of information in a local flood map. The bill requires the TWDB to adopt rules to implement these provisions of the bill.

H.B. 4568 amends the Health and Safety Code to require the Texas Commission on Environmental Quality, under the Solid Waste Disposal Act, to consider a local flood map in determining whether to issue a permit for a municipal solid waste landfill or transfer station to be located in a floodplain.

EFFECTIVE DATE

September 1, 2019.