

By: Reynolds

H.B. No. 86

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Environmental Justice Advisory Council.

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

SECTION 1. The heading to Subtitle G, Title 5, Health and Safety Code, is amended to read as follows:

SUBTITLE G. ENVIRONMENTAL HEALTH AND JUSTICE

SECTION 2. Subtitle G, Title 5, Health and Safety Code, is amended by adding Chapter 428 to read as follows:

CHAPTER 428. TEXAS ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

Sec. 428.0101. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission on Environmental Quality.

(2) "Council" means the Texas Environmental Justice Advisory Council.

(3) "Environmental justice" means the fair treatment of people of all races, cultures, and incomes in the development, adoption, implementation, and enforcement of environmental law and policy.

(4) "Review board" means the Environmental Justice Review Board.

Sec. 428.0102. TEXAS ENVIRONMENTAL JUSTICE ADVISORY COUNCIL. The Texas Environmental Justice Advisory Council is established to advise state agencies and local governments on

1 environmental justice issues.

2 Sec. 428.0103. MEMBERSHIP. (a) The council is composed of
3 eight members appointed as follows:

4 (1) one member appointed by the executive director of
5 the Texas Commission on Environmental Quality;

6 (2) one member appointed by the executive commissioner
7 of the Health and Human Services Commission;

8 (3) one member appointed by the attorney general;

9 (4) one member appointed by the executive director of
10 the Texas Department of Housing and Community Affairs;

11 (5) one member appointed by the commissioner of
12 agriculture;

13 (6) one member appointed by the executive director of
14 the Texas Department of Transportation;

15 (7) one member appointed by the commissioner of
16 education; and

17 (8) one member appointed by the governor.

18 (b) Members of the council serve two-year terms.

19 Sec. 428.0104. ENVIRONMENTAL JUSTICE REVIEW BOARD. (a)
20 The Environmental Justice Review Board is established. The review
21 board is composed of 15 members appointed by the council as follows:

22 (1) five members from grassroots or faith-based
23 community organizations; and

24 (2) 10 members from public health, environmental, and
25 civil rights organizations, academia, large and small businesses,
26 local government officials, and organized labor.

27 (b) The review board shall meet at least four times a year

1 and select a presiding officer from its membership.

2 (c) The review board shall advise the council about issues
3 related to environmental justice and the action plans developed
4 under Section 428.0107.

5 Sec. 428.0105. STATE PROGRAM REVIEW. (a) The council shall
6 review each state agency and state program that serves to protect
7 the environment to evaluate the agency's or program's positive and
8 negative effects on environmental justice for affected people.

9 (b) Upon completing a review of a state agency or program
10 under Subsection (a), the council shall prepare a report
11 containing:

12 (1) the council's findings from the review; and

13 (2) legislative and policy recommendations to address
14 any environmental justice issues associated with the reviewed
15 agency or program.

16 (c) The council shall deliver a report prepared under this
17 section to the reviewed state agency or the state agency that
18 oversees the reviewed program, the governor, the lieutenant
19 governor, and the speaker of the house of representatives.

20 Sec. 428.0106. REPORT ON COMMISSION ENVIRONMENTAL PERMITS.

21 (a) The council shall prepare a report that identifies each
22 facility that has applied or is applying for a permit issued by the
23 commission. For each facility, the report must:

24 (1) evaluate the facility's positive and negative
25 effects on environmental justice for affected people; and

26 (2) make recommendations for permit compliance,
27 enforcement, remediation, siting, and other strategies to address

1 identified instances of lacking environmental justice.

2 (b) The council shall revise the report prepared under this
3 section biennially and deliver the revised report to the
4 commissioner of the commission, the executive commissioner of the
5 Health and Human Services Commission, the governor, the lieutenant
6 governor, and the speaker of the house of representatives.

7 Sec. 428.0107. COMMUNITY ACTION PLAN. (a) Representatives
8 of a community that is experiencing unfair treatment in the
9 development, adoption, implementation, or enforcement of
10 environmental law or policy may petition the council to create a
11 community action plan.

12 (b) The council shall prescribe:

13 (1) the procedure for petitioning the council; and

14 (2) the content of the petition, which must include a
15 description of how the community is disproportionately affected by:

16 (A) environmental health risks; or

17 (B) the development, adoption, implementation,
18 or enforcement of law or policy affecting public health or the
19 environment.

20 (c) The council shall review the submitted petitions and
21 select communities for which the council shall develop an action
22 plan under Subsection (d). The council shall develop the community
23 selection criteria.

24 (d) The council, in cooperation with the review board, shall
25 develop an action plan for each community whose petition is
26 selected under Subsection (c). The council shall work with the
27 residents and local government officials of the community selected

1 in developing the action plan. The action plan must describe
2 clearly steps the community may take to improve existing and future
3 environmental justice for the community. In developing the action
4 plan for a community, the council shall:

5 (1) consider:

6 (A) the allocation of resources;

7 (B) the exercise of regulatory discretion; and

8 (C) new environmental standards and protections;

9 and

10 (2) specify:

11 (A) community deliverables;

12 (B) a time frame for implementation; and

13 (C) available financial and other resources to

14 implement the plan.

15 (e) The council shall present each action plan developed
16 under this section to the selected community and each relevant
17 state agency, recommending steps the community and state agency may
18 take to facilitate the action plan's implementation.

19 (f) The council shall monitor the implementation of each
20 action plan developed under this section.

21 Sec. 428.0108. RULES. The council may adopt rules
22 necessary to implement this chapter.

23 SECTION 3. (a) Not later than March 1, 2024, the
24 appropriate appointing authorities shall appoint the members to the
25 Texas Environmental Justice Advisory Council as required by Section
26 428.0103, Health and Safety Code, as added by this Act. The council
27 may not take action until a majority of the appointed members have

1 taken office.

2 (b) Not later than April 1, 2024, the Texas Environmental
3 Justice Advisory Council shall appoint the members to the
4 Environmental Justice Review Board as required by Section 428.0104,
5 Health and Safety Code, as added by this Act.

6 (c) Not later than June 1, 2024, the Texas Environmental
7 Justice Advisory Council shall begin accepting petitions under
8 Section 428.0107, Health and Safety Code, as added by this Act.

9 (d) Not later than December 1, 2024, the Texas Environmental
10 Justice Advisory Council shall complete the initial report required
11 under Section 428.0106, Health and Safety Code, as added by this
12 Act.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect on the 91st day after the last day of the
18 legislative session.