

BILL ANALYSIS

C.S.H.B. 1553
By: Burnam
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Changes to the climate, and the rate at which they are occurring, are the subject of ongoing scientific and policy studies. Texas is in the midst of one of the most severe droughts in the history of the state and four hurricanes have struck the Texas coast in the last four years. There is a real possibility of sea level increases that could endanger coastal communities and infrastructure. In light of these factors, it is imperative that the state begin planning in order to adapt to these climate changes.

C.S.H.B. 1553 creates a new chapter in the Health and Safety Code that requires 14 state agencies to produce climate adaptation plans every other year to assess that entity's role with respect to climate change. The bill requires each climate adaptation plan to include certain information, strategies and assessments. The bill also requires entities, in developing climate adaptation plans, to consider the most current assessment reports produced by the Intergovernmental Panel on Climate Change as well as to consult with certain other entities.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Subtitle C, Title 5, Health and Safety Code, by adding Chapter 393.
CLIMATE ADAPTATION PLAN.

Sec. 393.001. PARTICIPATING ENTITIES. Requires the Department of Agriculture, the independent organization certified under Section 39.151, Utilities Code, the Texas Commission on Environmental Quality (TCEQ), the General Land Office, the Health and Human Services Commission, the Texas Department of Housing and Community Affairs, the Texas Department of Insurance, the Parks and Wildlife Department, the Department of Public Safety of the State of Texas, the Public Utility Commission of Texas, the office of the comptroller, the Texas Department of Transportation, the Texas Forest Service, and the Texas Water Development Board to publish a climate adaptation plan regarding climate change by September 1 of every even numbered year.

Sec. 393.002. PLAN. (a) Defines plan as strategy to identify prepare for and minimize the effects of global warming as specified.

(b) Specifies what each climate adaptation plan must include; a review of existing programs in the context of anticipated changing climate conditions; specific steps necessary for the entity to fulfill its mission during the anticipated climate change; an analysis of the effects implementing such steps would have on the entity's budget during the next two, five and 10 years; potential sources of funding to support the entity's efforts to adapt to climate change; and a statewide strategy to monitor the continuing effects of climate change.

(c) Requires each entity, in developing a plan, to consider the most current assessment reports created by the Intergovernmental Panel on Climate Change and to also consult with the Houston Advanced Research Center and the Office of the Texas State Climatologist in the Department of Atmospheric Sciences, College of Geosciences, Texas A&M University.

(d) Requires each entity, not later than September 1 of each even-numbered year, to post the entity's plan on a publicly accessible Internet website and electronically submit a copy of the plan to the governor, lieutenant governor, and the speaker of the house of representatives; the presiding officer of each standing committee or subcommittee of the legislature with primary jurisdiction over environmental matters; and the executive director of TCEQ.

(e) Provides that plan is subject to audit by the state auditor in accordance with Chapter 321, Government Code.

SECTION 2. Effective date.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL TO SUBSTITUTE

SECTION 1. C.S.H.B. 1553 differs from the original by adding a new Section 393.002(a) and re-lettering the following sections accordingly. Section 393.002(a) establishes that a climate adaptation plan (plan) is a strategy to identify, minimize and prepare for the effects of global warming on various social, economic and ecological systems of the state and to manage the risks associated with a changing climate. Requires a plan be based on current research-based climate science.

The substitute differs from the original in Section 393.002 by requiring an entity developing a plan to consult with the Houston Advanced Research Center (Section 393.002(c)(2)), rather than with at least one institution of higher education, as defined by Section 61.003, Education Code, and by adding a new Section 393.002(c)(3) to require an entity to also consult with the Office of the Texas State Climatologist in the Department of Atmospheric Sciences, College of Geosciences, Texas A&M University.

SECTION 2. No change from the original.