

By: Anchia

H.B. No. 295

A BILL TO BE ENTITLED

1 AN ACT
2 relating to establishing the Texas Climate Change Mitigation and
3 Adaptation Commission to study and address the impacts of climate
4 change in this state.

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

6 SECTION 1. (a) This Act shall be known as the Texas Climate
7 Change Mitigation and Adaptation Act.

8 (b) The legislature finds that:

9 (1) climate change is real and is the overriding
10 challenge of the 21st century;

11 (2) climate change poses immediate and long-term
12 threats to this state's economy, sustainability, security, and way
13 of life;

14 (3) countless scientific studies have concluded that
15 greenhouse gas emissions are a leading contributing factor to
16 global warming; and

17 (4) addressing climate change requires a two-pronged
18 approach that includes:

19 (A) the reduction of activities that contribute
20 to global warming; and

21 (B) adaptations to mitigate the impacts of
22 climate change on this state.

23 (c) The legislature further finds that:

24 (1) on December 12, 2015, 195 countries at the 21st

1 Conference of the Parties to the United Nations Framework
2 Convention on Climate Change adopted an agreement addressing
3 greenhouse gas emissions mitigation, adaptation, and finance to
4 begin in the year 2020, known as the Paris Agreement. The Paris
5 Agreement entered into force on November 4, 2016, and is the largest
6 concerted global effort to combat climate change to date. The
7 agreement will be implemented to reflect equity and the principle
8 of common but differentiated responsibilities and respective
9 capabilities, in light of different national circumstances. Under
10 the agreement, the parties will:

11 (A) set greenhouse gas emissions reduction
12 goals;

13 (B) record and communicate information through a
14 transparency framework; and

15 (C) provide support to undeveloped countries
16 through a finance mechanism; and

17 (2) the Paris Agreement aims to strengthen the global
18 response to the threat of climate change in the context of
19 sustainable development and efforts to eradicate poverty,
20 including by:

21 (A) holding the increase in the global average
22 temperature to well below two degrees Celsius above preindustrial
23 levels while pursuing efforts to limit the temperature increase to
24 1.5 degrees Celsius above preindustrial levels to significantly
25 reduce the risks and impacts of climate change;

26 (B) developing ways to adapt to the adverse
27 impacts of climate change and to foster climate resilience and low

1 greenhouse gas emissions development in a manner that does not
2 threaten food production; and

3 (C) making finance flows consistent with a
4 pathway toward low greenhouse gas emissions and climate-resilient
5 development.

6 (d) The legislature declares that:

7 (1) notwithstanding federal action, the legislature
8 supports the goals of the Paris Agreement to combat climate change
9 and the effects of climate change on environments, economies, and
10 communities around the world;

11 (2) this state recognizes that to promote a statewide
12 response to climate change, collaboration and cooperation are
13 needed in the following areas:

14 (A) early warning systems;

15 (B) emergency preparedness;

16 (C) slow onset events;

17 (D) events that may involve irreversible and
18 permanent loss and damage;

19 (E) comprehensive risk assessment and
20 management;

21 (F) risk insurance facilities, climate risk
22 pooling, and other insurance solutions;

23 (G) noneconomic losses; and

24 (H) resilience of communities, livelihoods, and
25 ecosystems; and

26 (3) it is in the best interests of this state to:

27 (A) expand strategies and mechanisms to reduce

1 greenhouse gas emissions statewide through the reduction of energy
2 use, adoption of renewable energy, and control of air pollution
3 among all governmental entities, industries, and sectors,
4 including transportation;

5 (B) expand only the strategies and mechanisms
6 under Paragraph (A) that use the best available science,
7 technologies, and policies to reduce greenhouse gas emissions and
8 that are closely aligned with the climate change principles and
9 goals adopted in the Paris Agreement and in this state's share of
10 obligations within the expectations apportioned to the United
11 States in the agreement, notwithstanding federal action;

12 (C) strive to formulate and communicate
13 long-term low greenhouse gas emissions development strategies; and

14 (D) take actions to conserve and enhance
15 long-term sinks and reservoirs of greenhouse gases by prioritizing
16 the development of parks and greenways, and the restoration of
17 coastal forests and wetlands.

18 SECTION 2. The purpose of this Act is to document this
19 state's commitment to combating climate change and improving this
20 state's resilience to climate change by systematically reducing
21 greenhouse gas emissions and by aligning with the principles and
22 contributing to the goals set by the Paris Agreement through the
23 creation of the Texas Climate Change Mitigation and Adaptation
24 Commission.

25 SECTION 3. Subtitle C, Title 5, Health and Safety Code, is
26 amended by adding Chapter 396 to read as follows:

1 CHAPTER 396. TEXAS CLIMATE CHANGE MITIGATION AND ADAPTATION

2 COMMISSION

3 Sec. 396.001. DEFINITIONS. In this chapter:

4 (1) "Commission" means the Texas Climate Change
5 Mitigation and Adaptation Commission.

6 (2) "Greenhouse gas" has the meaning assigned by
7 Section 403.028, Government Code.

8 (3) "Institution of higher education" has the meaning
9 assigned by Section 61.003, Education Code.

10 Sec. 396.002. LIBERAL CONSTRUCTION. This chapter shall be
11 liberally construed to minimize future risk to the residents and
12 environment of this state.

13 Sec. 396.003. COMMISSION CREATED; COMPOSITION. (a) The
14 Texas Climate Change Mitigation and Adaptation Commission is
15 created.

16 (b) The commission is composed of:

17 (1) one member appointed by the governor;

18 (2) one member appointed by the lieutenant governor;

19 (3) one member appointed by the governor from a list of
20 names submitted by the speaker of the house of representatives;

21 (4) one member appointed by the governor from a list of
22 names submitted by the most senior member of the minority party of
23 the house of representatives;

24 (5) one member appointed by the governor from a list of
25 names submitted by the most senior member of the minority party of
26 the senate; and

27 (6) the following members of which two-thirds are

1 appointed evenly between the governor and the lieutenant governor,
2 and the remaining one-third are appointed by the governor from a
3 list of names submitted by the speaker of the house of
4 representatives:

5 (A) a representative of the public energy sector;

6 (B) a representative of rural electric
7 cooperatives;

8 (C) a representative of the municipal
9 electricity sector;

10 (D) two representatives of separate nonprofit
11 environmental organizations;

12 (E) three scientists at separate institutions of
13 higher education, including one climatologist;

14 (F) an economist from an institution of higher
15 education;

16 (G) a representative of business and industry;

17 (H) a representative of the manufacturing or
18 mining industry;

19 (I) a representative of the agriculture or
20 forestry industry;

21 (J) a representative of the fossil fuel industry;

22 (K) a representative from the Health and Human
23 Services Commission;

24 (L) a representative from the Texas Military
25 Preparedness Commission;

26 (M) a representative from the Texas Division of
27 Emergency Management;

1 (N) a representative from the Texas Water
2 Development Board; and

3 (O) three representatives of the public.

4 (c) In addition to the members listed in Subsection (b), the
5 chairs of the commission may request the participation or input of
6 other individuals as the chairs determine is necessary, including:

7 (1) other members of the public;

8 (2) individuals with expertise in the area of climate
9 change; and

10 (3) local, state, and federal officials involved in
11 climate change adaptation planning.

12 Sec. 396.004. JOINT CHAIRS; MEETINGS; COMPENSATION. (a)
13 The commission shall elect two of the commission's members to serve
14 as joint chairs of the commission.

15 (b) The commission shall meet at the call of either joint
16 chair.

17 (c) A commission member is not entitled to receive
18 compensation for service on the commission but is entitled to
19 reimbursement for actual and necessary expenses, including travel
20 expenses, incurred by the member in performing commission duties.

21 Sec. 396.005. TERMS; VACANCY. (a) Members of the
22 commission serve staggered six-year terms, with eight or nine
23 members' terms expiring February 1 of each odd-numbered year.

24 (b) A vacancy on the commission shall be filled in the same
25 manner as the original appointment.

26 Sec. 396.006. DUTIES OF COMMISSION. The commission shall:

27 (1) establish climate change mitigation and

1 adaptation strategies, including goals to help guide planning and
2 statewide implementation of the strategies, using the latest and
3 best available scientific analysis, risk assessment tools, and
4 other information the commission considers necessary to monitor and
5 forecast the impact of climate change at the state, regional, and
6 local levels;

7 (2) provide policy direction, facilitation,
8 coordination, and planning to federal, state, and local agencies,
9 and other persons as appropriate;

10 (3) identify:

11 (A) persons, communities, industries, and
12 ecosystems of this state vulnerable to impacts related to climate
13 change;

14 (B) potential economic ramifications of impacts
15 related to climate change; and

16 (C) existing climate change mitigation and
17 adaptation efforts at the federal, state, and local levels;

18 (4) make recommendations for meeting or exceeding this
19 state's climate change mitigation goals established by the
20 commission;

21 (5) assess the capacity and availability of existing
22 resources and identify new sources of revenue necessary to address
23 climate change mitigation and adaptation; and

24 (6) advise the governor, legislature, and local
25 governments of this state on the economic and budgetary
26 ramifications of climate change impacts, mitigation, and
27 adaptation.

1 Sec. 396.007. INTERNET WEBSITE. The commission shall
2 develop and maintain an Internet website that:

3 (1) includes a mission statement relating to the
4 duties and goals of the commission under this chapter; and

5 (2) describes the actions, plans, and policies of the
6 commission, and the results, if any, of such actions, plans, and
7 policies.

8 Sec. 396.008. BIENNIAL PROGRESS REPORT. The commission
9 shall identify the information necessary to track this state's
10 progress in implementing the climate change mitigation and
11 adaptation strategies established by the commission under Section
12 396.006 and shall submit a biennial progress report to the governor
13 and the legislature not later than the 20th day before the date each
14 regular session of the legislature convenes.

15 Sec. 396.009. COMPREHENSIVE REVIEW; REPORT. Not later than
16 the 20th day before the date the regular session of the 88th
17 Legislature convenes, and before the end of each successive
18 five-year period after that date, the commission shall conduct a
19 comprehensive review of the statewide implementation of the climate
20 change mitigation and adaptation strategies established by the
21 commission under Section 396.006 and submit a report on the
22 commission's findings and recommendations to the governor, the
23 legislature, and the governing body of each municipality and county
24 in this state.

25 Sec. 396.010. SEA LEVEL RISE VULNERABILITY AND ADAPTATION
26 REPORT. (a) The commission shall develop and make publicly
27 available a sea level rise vulnerability and adaptation report that

1 identifies:

2 (1) the major areas of this state that are or will be
3 impacted by sea level rise during the next 30 years;

4 (2) the sea level rise impacts reasonably expected to
5 occur during the next 30 years in each area identified under
6 Subdivision (1), based on the latest and best available scientific
7 research;

8 (3) the economic ramifications of sea level rise; and

9 (4) applicable federal laws, policies, and programs
10 affecting areas of this state impacted by sea level rise.

11 (b) The report developed under Subsection (a) must include
12 the commission's recommendations for planning, management, and
13 adaptation relating to hazards associated with sea level rise.

14 (c) In developing the report under Subsection (a), the
15 commission shall:

16 (1) solicit public comment; and

17 (2) coordinate with the federal, state, and local
18 agencies involved in climate change adaptation planning.

19 (d) The commission shall evaluate and update the sea level
20 rise vulnerability and adaptation report developed under this
21 section at least once every five years.

22 SECTION 4. (a) As soon as practicable after the effective
23 date of this Act:

24 (1) the governor and lieutenant governor shall appoint
25 the 25 members to the Texas Climate Change Mitigation and
26 Adaptation Commission as provided by Section 396.003, Health and
27 Safety Code, as added by this Act; and

1 (2) the governor, lieutenant governor, and speaker of
2 the house of representatives or their designees shall meet to
3 apportion the appointments under Section 396.003(b)(6), Health and
4 Safety Code, as added by this Act.

5 (b) The initial members of the Texas Climate Change
6 Mitigation and Adaptation Commission appointed under this section
7 shall draw lots to determine which members will serve terms
8 expiring February 1, 2019, which members will serve terms expiring
9 February 1, 2021, and which members will serve terms expiring
10 February 1, 2023.

11 SECTION 5. Not later than December 31, 2018, the Texas
12 Climate Change Mitigation and Adaptation Commission shall develop
13 and make publicly available the initial sea level rise
14 vulnerability and adaptation report required by Section 396.010,
15 Health and Safety Code, as added by this Act.

16 SECTION 6. This Act takes effect December 1, 2017.