86R8936 MP-F

By:  Reynolds H.B. No. 1491

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 environmental justice issues.

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

(1)  one member appointed by the commissioner of the Texas Commission on Environmental Quality;

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

(3)  one member appointed by the attorney general;

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

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

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

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

(8)  one member appointed by the governor.

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

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

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

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

(b)  The review board shall meet at least four times a year and select a presiding officer from its membership.

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

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

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

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

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

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

Sec. 428.0106.  REPORT ON COMMISSION ENVIRONMENTAL PERMITS. (a) The council shall prepare a report that reviews existing environmental and public health information. The report must identify each facility that has or is applying for a permit issued by the commission. For each facility, the report must:

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

(2)  make recommendations for permit compliance, enforcement, remediation, siting, and other strategies to address identified instances of lacking environmental justice.

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

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

(b)  The council shall prescribe the petition content and procedure for petitioning. A petition must include a description of how the community is disproportionately affected by:

(1)  environmental health risks; or

(2)  the development, adoption, implementation, or enforcement of law or policy affecting public health or the environment.

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

(d)  The council, in cooperation with the review board, shall develop an action plan for each community whose petition is selected under Subsection (c). The council shall work with the citizens and local government officials of the community selected in developing the action plan. The action plan must describe clearly steps the community may take to improve existing and future environmental justice for the community. In developing the action plan for a community, the council shall:

(1)  consider:

(A)  the allocation of resources;

(B)  the exercise of regulatory discretion; and

(C)  new environmental standards and protections; and

(2)  specify:

(A)  community deliverables;

(B)  a time frame for implementation; and

(C)  available financial and other resources to implement the plan.

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

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

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

SECTION 3.  (a) Not later than January 1, 2020, the appropriate appointing authorities shall appoint the members to the Texas Environmental Justice Advisory Council as required by Section 428.0103, Health and Safety Code, as added by this Act. The council may not take action until a majority of the appointed members have taken office.

(b)  Not later than April 1, 2020, the Texas Environmental Justice Advisory Council shall appoint the members to the Environmental Justice Review Board as required by Section 428.0104, Health and Safety Code, as added by this Act.

(c)  Not later than June 1, 2020, the Texas Environmental Justice Advisory Council shall begin accepting petitions under Section 428.0107, Health and Safety Code, as added by this Act.

(d)  Not later than December 1, 2020, the Texas Environmental Justice Advisory Council shall complete the initial report required under Section 428.0106, Health and Safety Code, as added by this Act.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.