87R3157 RDS-D

By:  Anchia H.B. No. 1044

A BILL TO BE ENTITLED

AN ACT

relating to establishing the Texas Climate Change Mitigation and Adaptation Commission to study and address the impacts of climate change in this state.

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

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

(b)  The legislature finds that:

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

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

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

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

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

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

(c)  The legislature further finds that:

(1)  on December 12, 2015, 195 countries at the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change adopted an agreement addressing greenhouse gas emissions mitigation, adaptation, and finance, known as the Paris Agreement. The Paris Agreement entered into force on November 4, 2016, and is the largest concerted global effort to combat climate change to date. The agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in light of different national circumstances. Under the agreement, the parties will:

(A)  set greenhouse gas emissions reduction goals;

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

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

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

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

(B)  developing ways to adapt to the adverse impacts of climate change and to foster climate resilience and low greenhouse gas emissions development in a manner that does not threaten food production; and

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

(d)  The legislature declares that:

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

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

(A)  early warning systems;

(B)  emergency preparedness;

(C)  slow onset events;

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

(E)  comprehensive risk assessment and management;

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

(G)  noneconomic losses; and

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

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

(A)  expand strategies and mechanisms to reduce greenhouse gas emissions statewide through the reduction of energy use, adoption of renewable energy, and control of air pollution among all governmental entities, industries, and sectors, including transportation;

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

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

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

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

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

CHAPTER 396. TEXAS CLIMATE CHANGE MITIGATION AND ADAPTATION COMMISSION

Sec. 396.001.  DEFINITIONS. In this chapter:

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

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

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

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

(b)  The commission is composed of:

(1)  one member appointed by the governor;

(2)  one member appointed by the lieutenant governor;

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

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

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

(6)  the following members of which two-thirds are appointed evenly between the governor and the lieutenant governor, and the remaining one-third are appointed by the governor from a list of names submitted by the speaker of the house of representatives:

(A)  a representative of the public energy sector;

(B)  a representative of rural electric cooperatives;

(C)  a representative of the municipal electricity sector;

(D)  two representatives of separate nonprofit environmental organizations;

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

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

(G)  a representative of business and industry;

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

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

(J)  a representative of the fossil fuel industry;

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

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

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

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

(O)  three representatives of the public.

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

(1)  other members of the public;

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

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

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

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

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

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

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

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

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

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

(3)  identify:

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

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

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

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

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

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

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

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

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

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

Sec. 396.009.  COMPREHENSIVE REVIEW; REPORT. Not later than the 20th day before the date the regular session of the 90th Legislature convenes, and before the end of each successive five-year period after that date, the commission shall conduct a comprehensive review of the statewide implementation of the climate change mitigation and adaptation strategies established by the commission under Section 396.006 and submit a report on the commission's findings and recommendations to the governor, the legislature, and the governing body of each municipality and county in this state.

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

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

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

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

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

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

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

(1)  solicit public comment; and

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

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

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

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

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

(b)  The initial members of the Texas Climate Change Mitigation and Adaptation Commission appointed under this section shall draw lots to determine which members will serve terms expiring February 1, 2023, which members will serve terms expiring February 1, 2025, and which members will serve terms expiring February 1, 2027.

SECTION 5.  Not later than September 30, 2022, the Texas Climate Change Mitigation and Adaptation Commission shall develop and make publicly available the initial sea level rise vulnerability and adaptation report required by Section 396.010, Health and Safety Code, as added by this Act.

SECTION 6.  This Act takes effect September 1, 2021.