

By: Anchia

H.B. No. 1044

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,  
4 known as the Paris Agreement. The Paris Agreement entered into  
5 force on November 4, 2016, and is the largest concerted global  
6 effort to combat climate change to date. The agreement will be  
7 implemented to reflect equity and the principle of common but  
8 differentiated responsibilities and respective capabilities, in  
9 light of different national circumstances. Under the agreement,  
10 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) "Institution of higher education" has the meaning  
7 assigned by Section 61.003, Education Code.

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

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

14 (b) The commission is composed of:

15 (1) one member appointed by the governor;

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

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

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

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

25 (6) the following members of which two-thirds are  
26 appointed evenly between the governor and the lieutenant governor,  
27 and the remaining one-third are appointed by the governor from a

1 list of names submitted by the speaker of the house of  
2 representatives:

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

4 (B) a representative of rural electric  
5 cooperatives;

6 (C) a representative of the municipal  
7 electricity sector;

8 (D) two representatives of separate nonprofit  
9 environmental organizations;

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

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

14 (G) a representative of business and industry;

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

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

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

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

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

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

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

1                   (O) three representatives of the public.

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

5                   (1) other members of the public;

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

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

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

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

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

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

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

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

25                   (1) establish climate change mitigation and  
26 adaptation strategies, including goals to help guide planning and  
27 statewide implementation of the strategies, using the latest and

1 best available scientific analysis, risk assessment tools, and  
2 other information the commission considers necessary to monitor and  
3 forecast the impact of climate change at the state, regional, and  
4 local levels;

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

8 (3) identify:

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

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

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

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

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

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

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



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

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

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

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

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

27           (1) the major areas of this state that are or will be

1 impacted by sea level rise during the next 30 years;

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

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

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

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

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

14 (1) solicit public comment; and

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

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

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

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

26 (2) the governor, lieutenant governor, and speaker of  
27 the house of representatives or their designees shall meet to

1 apportion the appointments under Section 396.003(b)(6), Health and  
2 Safety Code, as added by this Act.

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

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

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