By:  Anchía H.B. No. 4792

A BILL TO BE ENTITLED

AN ACT

relating to establishing the Texas Carbon Emissions Mitigation and Severe Weather Adaptation Commission to study and address the impacts of carbon emissions and severe weather in this state.

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

SECTION 1.  This Act shall be known as the Texas Carbon Emissions Mitigation and Severe Weather Adaptation Act.

SECTION 2.  Subtitle C, Title 5, Health and Safety Code, is amended by adding Chapter 396 to read as follows:

CHAPTER 396. TEXAS CARBON EMISSIONS MITIGATION AND SEVERE WEATHER ADAPTATION COMMISSION

Sec. 396.001.  DEFINITIONS. In this chapter:

(1)  "Commission" means the Texas Carbon Emissions Mitigation and Severe Weather 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 Carbon Emissions Mitigation and Severe Weather 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 carbon emissions mitigation and severe weather adaptation; and

(3)  local, state, and federal officials involved in carbon emissions mitigation and severe weather 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.  ACTIVITIES OF COMMISSION. (a) The commission shall:

(1)  establish carbon emissions mitigation and severe weather 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 carbon emissions and severe weather 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 carbon emissions and severe weather;

(B)  potential economic ramifications of impacts related to carbon emissions and severe weather; and

(C)  existing carbon emissions mitigation and severe weather adaptation efforts at the federal, state, and local levels;

(4)  make recommendations for meeting or exceeding this state's carbon emissions mitigation and severe weather adaptation goals established by the commission;

(5)  assess the capacity and availability of existing resources and identify new sources of revenue necessary to address carbon emissions mitigation and severe weather adaptation; and

(6)  advise the governor, legislature, and local governments of this state on the economic and budgetary ramifications of carbon emissions and severe weather impacts, mitigation, and adaptation.

(b)  The commission may confer with scientists and other experts to evaluate whether more frequent or extreme winter cold snaps are caused by the warming of the stratospheric polar vortex as a result of carbon emissions.

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 carbon emissions mitigation and severe weather 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 carbon emissions mitigation and severe weather 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 carbon emissions mitigation and severe weather 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 3.  (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 Carbon Emissions Mitigation and Severe Weather 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 Carbon Emissions Mitigation and Severe Weather Adaptation Commission appointed under this section shall draw lots to determine which members will serve terms expiring February 1, 2025, which members will serve terms expiring February 1, 2027, and which members will serve terms expiring February 1, 2029.

SECTION 4.  Not later than September 30, 2024, the Texas Carbon Emissions Mitigation and Severe Weather 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 5.  This Act takes effect September 1, 2023.