

By: Anchía

H.B. No. 4792

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to establishing the Texas Carbon Emissions Mitigation and  
3 Severe Weather Adaptation Commission to study and address the  
4 impacts of carbon emissions and severe weather in this state.

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

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

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

10 CHAPTER 396. TEXAS CARBON EMISSIONS MITIGATION AND SEVERE WEATHER

11 ADAPTATION COMMISSION

12 Sec. 396.001. DEFINITIONS. In this chapter:

13 (1) "Commission" means the Texas Carbon Emissions  
14 Mitigation and Severe Weather Adaptation Commission.

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

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

20 Sec. 396.003. COMMISSION CREATED; COMPOSITION. (a) The  
21 Texas Carbon Emissions Mitigation and Severe Weather Adaptation  
22 Commission is created.

23 (b) The commission is composed of:

24 (1) one member appointed by the governor;

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

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

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

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

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

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

16                   (B) a representative of rural electric  
17 cooperatives;

18                   (C) a representative of the municipal  
19 electricity sector;

20                   (D) two representatives of separate nonprofit  
21 environmental organizations;

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

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

26                   (G) a representative of business and industry;

27                   (H) a representative of the manufacturing or

1 mining industry;

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

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

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

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

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

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

13 (O) three representatives of the public.

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

17 (1) other members of the public;

18 (2) individuals with expertise in the area of carbon  
19 emissions mitigation and severe weather adaptation; and

20 (3) local, state, and federal officials involved in  
21 carbon emissions mitigation and severe weather adaptation  
22 planning.

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

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

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

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

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

10       Sec. 396.006. ACTIVITIES OF COMMISSION. (a) The  
11 commission shall:

12               (1) establish carbon emissions mitigation and severe  
13 weather adaptation strategies, including goals to help guide  
14 planning and statewide implementation of the strategies, using the  
15 latest and best available scientific analysis, risk assessment  
16 tools, and other information the commission considers necessary to  
17 monitor and forecast the impact of carbon emissions and severe  
18 weather at the state, regional, and local levels;

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

22               (3) identify:

23                       (A) persons, communities, industries, and  
24 ecosystems of this state vulnerable to impacts related to carbon  
25 emissions and severe weather;

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

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

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

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

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

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

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

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

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

25           Sec. 396.008. BIENNIAL PROGRESS REPORT. The commission  
26 shall identify the information necessary to track this state's  
27 progress in implementing the carbon emissions mitigation and severe

1 weather adaptation strategies established by the commission under  
2 Section 396.006 and shall submit a biennial progress report to the  
3 governor and the legislature not later than the 20th day before the  
4 date each regular session of the legislature convenes.

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

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

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

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

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

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

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

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

6           (1) solicit public comment; and

7           (2) coordinate with the federal, state, and local  
8 agencies involved in carbon emissions mitigation and severe weather  
9 adaptation planning.

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

13       SECTION 3. (a) As soon as practicable after the effective  
14 date of this Act:

15           (1) the governor and lieutenant governor shall appoint  
16 the 25 members to the Texas Carbon Emissions Mitigation and Severe  
17 Weather Adaptation Commission as provided by Section 396.003,  
18 Health and Safety Code, as added by this Act; and

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

23       (b) The initial members of the Texas Carbon Emissions  
24 Mitigation and Severe Weather Adaptation Commission appointed  
25 under this section shall draw lots to determine which members will  
26 serve terms expiring February 1, 2025, which members will serve  
27 terms expiring February 1, 2027, and which members will serve terms

1 expiring February 1, 2029.

2           SECTION 4. Not later than September 30, 2024, the Texas  
3 Carbon Emissions Mitigation and Severe Weather Adaptation  
4 Commission shall develop and make publicly available the initial  
5 sea level rise vulnerability and adaptation report required by  
6 Section 396.010, Health and Safety Code, as added by this Act.

7           SECTION 5. This Act takes effect September 1, 2023.