

Chapter 429

(House Bill 514)

AN ACT concerning

Maryland Commission on Climate Change

FOR the purpose of establishing the Commission on Climate Change in the Department of the Environment to advise the Governor and General Assembly on ways to mitigate the causes of, prepare for, and adapt to the consequences of climate change; establishing the membership of the Commission; ~~requiring certain members to serve as chair and vice chair of the Commission;~~ providing for the terms of ~~a~~ *an appointed* member of the Commission; authorizing the Governor to remove a member of the Commission under certain circumstances; prohibiting a member of the Commission from receiving certain compensation, but authorizing a member to be reimbursed for certain expenses; requiring the Commission to establish certain working groups; requiring the Chair of the Commission to appoint working group members who represent certain public and private interests; requiring the Commission to prioritize certain working group actions; requiring the Commission, on or before a certain date each year, to report to the Governor and General Assembly; requiring each State agency to complete a certain review in accordance with certain requirements; requiring each State agency to identify and recommend certain changes to certain programs under certain circumstances; requiring certain State agencies to report annually to the Governor and General Assembly on the status of certain programs; requiring the University of Maryland Center for Environmental Science to establish and update certain sea level rise projections; requiring the sea level rise projections to include certain maps and to be made publicly available on the Internet; providing for the construction of this Act; establishing the intent of the General Assembly; requiring the Commission members and working group members to be appointed and the Commission to be convened ~~and the working group members to be appointed~~ on or before a certain date; providing that nothing in this Act shall preclude the appointment of a certain member to the Commission; requiring each working group to meet and establish a work plan on or before a certain date; and generally relating to the Maryland Commission on Climate Change.

BY adding to

Article – Environment

Section 2–1301 through 2–1306 to be under the new subtitle “Subtitle 13. Maryland Commission on Climate Change”

Annotated Code of Maryland

(2013 Replacement Volume and 2014 Supplement)

Preamble

WHEREAS, As reported by the United Nations Intergovernmental Panel on Climate Change (IPCC) in March 2014, the effects of climate change are already occurring on all

continents and across the oceans, and numerous opportunities exist to respond to and mitigate associated risks; and

WHEREAS, Maryland has already experienced some effects of climate change, including sea level rise of more than 1 foot in the last century, increasing water temperatures in the Chesapeake Bay, more rain and flooding in the winter and spring, and less in the summer; and

WHEREAS, Maryland has demonstrated its strong commitment to addressing the drivers and consequences of climate change by passing several laws, including the Healthy Air Act, the Maryland Clean Cars Act of 2007, the Greenhouse Gas Emissions Reduction Act of 2009, the Maryland Offshore Wind Energy Act of 2013, and the Coast Smart Council; and

WHEREAS, Although the Maryland Commission on Climate Change was created by Executive Order 01.01.2007.07 in 2007, and then strengthened by Executive Order 01.01.2014.14 in 2014, there is not a statutory body in the State whose sole purpose is to address climate change impacts and make recommendations to the Governor and General Assembly; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

SUBTITLE 13. MARYLAND COMMISSION ON CLIMATE CHANGE.

2-1301.

(A) THERE IS A COMMISSION ON CLIMATE CHANGE IN THE DEPARTMENT TO ADVISE THE GOVERNOR AND GENERAL ASSEMBLY ON WAYS TO MITIGATE THE CAUSES OF, PREPARE FOR, AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE.

(B) THE DEPARTMENT AND THE DEPARTMENT OF NATURAL RESOURCES SHALL JOINTLY STAFF THE COMMISSION.

2-1302.

(A) THE COMMISSION'S MEMBERSHIP SHALL CONSIST OF THE FOLLOWING ~~25~~ MEMBERS:

(1) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;

- (2) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE;
- (3) THE STATE TREASURER, OR THE STATE TREASURER'S DESIGNEE;
- (4) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S DESIGNEE;
- (5) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S DESIGNEE;
- (6) THE SECRETARY OF NATURAL RESOURCES, OR THE SECRETARY'S DESIGNEE;
- (7) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;
- (8) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE SUPERINTENDENT'S DESIGNEE;
- (9) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;
- (10) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE;
- (11) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;
- (12) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE, OR THE PRESIDENT'S DESIGNEE;
- (13) THE CHAIR OF THE CRITICAL AREA COMMISSION FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS, OR THE CHAIR'S DESIGNEE;
- (14) ONE MEMBER APPOINTED BY THE FARM BUREAU REPRESENTING THE AGRICULTURE COMMUNITY;
- ~~(13)~~ (15) ONE MEMBER APPOINTED BY THE ~~PRESIDENT OF THE SENATE~~ MARYLAND ASSOCIATION OF COUNTIES AND ONE MEMBER APPOINTED BY THE ~~SPEAKER OF THE HOUSE OF DELEGATES~~ MARYLAND MUNICIPAL LEAGUE TO REPRESENT LOCAL GOVERNMENTS;

~~(14)~~ (16) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES TO REPRESENT THE BUSINESS COMMUNITY;

~~(15)~~ (17) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES TO REPRESENT ENVIRONMENTAL NONPROFIT ORGANIZATIONS;

~~(16)~~ ~~THREE REPRESENTATIVES OF PRIVATE PHILANTHROPIC ORGANIZATIONS, ONE EACH APPOINTED BY THE GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE OF DELEGATES;~~

(18) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE TO REPRESENT ORGANIZED LABOR IN, ONE OF WHOM SHALL REPRESENT THE BUILDING OR CONSTRUCTION TRADES AND ONE OF WHOM SHALL REPRESENT THE MANUFACTURING INDUSTRY;

(19) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE TO REPRESENT PHILANTHROPIC ORGANIZATIONS;

~~(17)~~ (20) ONE CLIMATE CHANGE EXPERT APPOINTED BY THE GOVERNOR REPRESENTING A UNIVERSITY LOCATED IN MARYLAND; AND

~~(18)~~ (21) ONE PUBLIC HEALTH EXPERT APPOINTED BY THE GOVERNOR REPRESENTING A UNIVERSITY LOCATED IN MARYLAND; .

~~(19) ONE REPRESENTATIVE OF ORGANIZED LABOR APPOINTED BY THE GOVERNOR; AND~~

~~(20) ONE REPRESENTATIVE OF THE AGRICULTURAL COMMUNITY APPOINTED BY THE GOVERNOR.~~

(B) ~~(1)~~ THE SECRETARY OF THE ENVIRONMENT OR THE SECRETARY'S DESIGNEE SHALL CHAIR THE COMMISSION.

~~(2) THE GOVERNOR SHALL APPOINT ONE BUSINESS REPRESENTATIVE AND ONE NONPROFIT REPRESENTATIVE FROM AMONG THE COMMISSION MEMBERS TO SERVE AS VICE CHAIRS OF THE COMMISSION.~~

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE TERM OF ~~A AN APPOINTED MEMBER APPOINTED BY THE GOVERNOR, PRESIDENT OF THE SENATE, OR SPEAKER OF THE HOUSE OF DELEGATES~~ IS 2 YEARS.

(2) THE GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF THE HOUSE OF DELEGATES SHALL STAGGER THE TERMS OF THE INITIAL APPOINTED MEMBERS.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR INCOMPETENCE, MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

(D) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION, BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

2-1303.

(A) THE COMMISSION SHALL ESTABLISH:

- (1) A SCIENTIFIC AND TECHNICAL WORKING GROUP;
- (2) A GREENHOUSE GAS MITIGATION WORKING GROUP;
- (3) AN ADAPTATION AND RESPONSE WORKING GROUP; AND
- (4) AN EDUCATION, COMMUNICATION, AND OUTREACH WORKING GROUP.

(B) THE COMMISSION MAY ESTABLISH OTHER WORKING GROUPS AS NEEDED.

(C) THE CHAIR OF THE COMMISSION SHALL APPOINT WORKING GROUP MEMBERS WHO REPRESENT BOTH PUBLIC AND PRIVATE INTERESTS IN CLIMATE CHANGE, INCLUDING REPRESENTATIVES OF:

- (1) ACADEMIC INSTITUTIONS;

- (2) RENEWABLE AND TRADITIONAL ENERGY PROVIDERS;**
- (3) ENVIRONMENTAL ORGANIZATIONS;**
- (4) GOVERNMENT AGENCIES;**
- (5) LABOR ORGANIZATIONS; AND**
- (6) BUSINESS INTERESTS, INCLUDING THE INSURANCE ~~INDUSTRY~~
AND REAL ESTATE INDUSTRIES.**

(D) THE COMMISSION SHALL PRIORITIZE WORKING GROUP ACTIONS, INCLUDING:

- (1) STRENGTHENING AND MAINTAINING EXISTING STATE CLIMATE ACTION PLANS;**
- (2) DEVELOPING BROAD PUBLIC AND PRIVATE PARTNERSHIPS WITH LOCAL, STATE, AND FEDERAL AGENCIES;**
- (3) COMMUNICATING WITH AND EDUCATING CITIZENS ABOUT THE URGENCY OF ACTING TO REDUCE THE IMPACTS OF CLIMATE CHANGE;**
- (4) MAINTAINING AN INVENTORY OF MARYLAND'S GREENHOUSE GAS EMISSIONS SOURCES AND CARBON SINKS;**
- (5) ADDRESSING ANY DISPROPORTIONATE IMPACTS OF CLIMATE CHANGE ON LOW-INCOME AND VULNERABLE COMMUNITIES;**
- (6) ASSESSING THE IMPACTS THAT CLIMATE CHANGE MAY HAVE ON THE STATE'S ECONOMY, REVENUES, AND INVESTMENT DECISIONS;**
- (7) ASSESSING THE NEEDS FOR UTILITIES AND OTHER PUBLIC AND PRIVATE SERVICE PROVIDERS THROUGHOUT THE STATE TO ADJUST THEIR OPERATING PRACTICES AND INVESTMENT STRATEGIES TO MITIGATE THE IMPACTS OF CLIMATE CHANGE ON THEIR CUSTOMERS AND THE PUBLIC;**
- ~~(7)~~ (8) ASSESSING THE IMPACTS THAT CLIMATE CHANGE MAY HAVE ON AGRICULTURE IN THE STATE;**
- ~~(8)~~ (9) RECOMMENDING SHORT- AND LONG-TERM STRATEGIES AND INITIATIVES TO BETTER MITIGATE, PREPARE FOR, AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE;**

~~(9)~~ (10) ASSISTING LOCAL GOVERNMENTS IN SUPPORTING COMMUNITY-SCALE CLIMATE VULNERABILITY ASSESSMENTS AND THE DEVELOPMENT AND INTEGRATION OF SPECIFIC STRATEGIES INTO LOCAL PLANS AND ORDINANCES;

~~(10)~~ (11) ESTABLISHING COMPREHENSIVE AND ACCOUNTABLE ANNUAL WORKING GROUP WORK PLANS THAT SET ANNUAL GOALS AND PERFORMANCE BENCHMARKS AND PRIORITIZE NEW AND EXISTING CLIMATE CHANGE MITIGATION AND PREPAREDNESS ACTIONS AND INITIATIVES;

~~(11)~~ (12) MAINTAINING A COMPREHENSIVE ACTION PLAN, WITH 5-YEAR BENCHMARKS, TO ACHIEVE SCIENCE-BASED REDUCTIONS IN MARYLAND'S GREENHOUSE GAS EMISSIONS ~~OF 80% OF 2006 LEVELS BY 2050~~;

~~(12)~~ (13) CONVENING REGULAR WORKING GROUP AND FULL COMMISSION MEETINGS TO ENSURE THAT SUFFICIENT PROGRESS IS BEING MADE ACROSS ALL SECTORS AND COMMUNITIES IN MARYLAND; AND

~~(13)~~ (14) CONSIDERING OTHER RELATED MATTERS AS THE COMMISSION DETERMINES TO BE NECESSARY.

2-1304.

ON OR BEFORE NOVEMBER 15 OF EACH YEAR, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE STATE'S EFFORTS TO MITIGATE THE CAUSES OF, PREPARE FOR, AND ADAPT TO THE CONSEQUENCES OF CLIMATE CHANGE, INCLUDING FUTURE PLANS AND RECOMMENDATIONS FOR LEGISLATION, IF ANY, TO BE CONSIDERED BY THE GENERAL ASSEMBLY.

2-1305.

(A) (1) EACH STATE AGENCY SHALL REVIEW ITS PLANNING, REGULATORY, AND FISCAL PROGRAMS TO IDENTIFY AND RECOMMEND ACTIONS TO MORE FULLY INTEGRATE THE CONSIDERATION OF MARYLAND'S GREENHOUSE GAS REDUCTION GOAL AND THE IMPACTS OF CLIMATE CHANGE.

(2) THE REVIEW SHALL INCLUDE THE CONSIDERATION OF:

- (I) SEA LEVEL RISE;
- (II) STORM SURGES AND FLOODING;

- (III) INCREASED PRECIPITATION AND TEMPERATURE; AND
- (IV) EXTREME WEATHER EVENTS.

(B) EACH STATE AGENCY SHALL IDENTIFY AND RECOMMEND SPECIFIC POLICY, PLANNING, REGULATORY, AND FISCAL CHANGES TO EXISTING PROGRAMS THAT DO NOT CURRENTLY SUPPORT THE STATE'S GREENHOUSE GAS REDUCTION EFFORTS OR ADDRESS CLIMATE CHANGE.

(C) (1) THE FOLLOWING STATE AGENCIES SHALL REPORT ANNUALLY ON THE STATUS OF PROGRAMS THAT SUPPORT THE STATE'S GREENHOUSE GAS REDUCTION EFFORTS OR ADDRESS CLIMATE CHANGE, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE COMMISSION AND THE GOVERNOR:

- (I) THE DEPARTMENT;
- (II) THE DEPARTMENT OF AGRICULTURE;
- (III) THE DEPARTMENT OF GENERAL SERVICES;
- (IV) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT;
- (V) THE DEPARTMENT OF NATURAL RESOURCES;
- (VI) THE DEPARTMENT OF PLANNING;
- (VII) THE DEPARTMENT OF TRANSPORTATION;
- (VIII) THE MARYLAND ENERGY ADMINISTRATION;
- (IX) THE MARYLAND INSURANCE ADMINISTRATION;
- (X) THE PUBLIC SERVICE COMMISSION; AND
- (XI) THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE.

(2) THE REPORT REQUIRED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

- (I) PROGRAM DESCRIPTIONS AND OBJECTIVES;

- (II) **IMPLEMENTATION MILESTONES, WHETHER OR NOT THEY HAVE BEEN MET;**
- (III) **ENHANCEMENT OPPORTUNITIES;**
- (IV) **FUNDING;**
- (V) **CHALLENGES;**
- (VI) **ESTIMATED GREENHOUSE GAS EMISSIONS REDUCTIONS, BY PROGRAM, FOR THE PRIOR CALENDAR YEAR; AND**
- (VII) **ANY OTHER INFORMATION THAT THE AGENCY CONSIDERS RELEVANT.**

2-1306.

(A) **THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL SCIENCE SHALL ESTABLISH SCIENCE-BASED SEA LEVEL RISE PROJECTIONS FOR MARYLAND'S COASTAL AREAS AND UPDATE THEM AT LEAST EVERY 5 YEARS.**

(B) **THE SCIENCE-BASED SEA LEVEL RISE PROJECTIONS SHALL INCLUDE MAPS THAT INDICATE THE AREAS OF THE STATE THAT MAY BE MOST AFFECTED BY STORM SURGES, FLOODING, AND EXTREME WEATHER EVENTS.**

(C) **THE SCIENCE-BASED SEA LEVEL RISE PROJECTIONS REQUIRED UNDER THIS SECTION SHALL BE MADE PUBLICLY AVAILABLE ON THE INTERNET.**

SECTION 2. AND BE IT FURTHER ENACTED, That, before June 1, 2016, nothing in this Act shall be construed to affect the current membership and duties of the Maryland Commission on Climate Change, established by Executive Order 01.01.2014.14. It is the intent of the General Assembly that the Maryland Commission on Climate Change, established by Executive Order 01.01.2014.14, shall continue to meet and complete its tasks for 1 year following the enactment of this Act and until members are appointed to the Maryland Commission on Climate Change, established by this Act, in accordance with Section 3 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before July 1, 2016, the members and working group members of the Maryland Commission on Climate Change, established in accordance with Section 1 of this Act, shall be appointed and a meeting shall be convened. Nothing in this Act shall preclude the appointment of a member to the Maryland Commission on Climate Change, established in accordance with this Act, who served as a member of the Maryland Commission on Climate Change, established by Executive Order 01.01.2014.14.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before October 1, 2016, each working group established by Section 1 of this Act shall meet and establish a work plan.

~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 1, 2015, the Commission shall be convened and working group members shall be appointed. On or before October 1, 2015, each working group shall meet and establish a work plan.~~

SECTION ~~2~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2015.

Approved by the Governor, May 12, 2015.