

HOUSE BILL 703

M3

71r1241

By: **Delegates V. Clagett, Ali, Barkley, Barnes, Bartlett, Barve, Beidle, Bobo, Bohanan, Bromwell, Bronrott, Cane, Cardin, G. Clagett, Davis, Frush, George, Glassman, Guzzone, Healey, Hecht, Holmes, Hubbard, Hucker, N. King, Kipke, Lafferty, Lawton, Lee, Love, Mathias, McConkey, McIntosh, Mizeur, Niemann, O'Donnell, Olszewski, Pena-Melnyk, Rosenberg, Rudolph, Sophocleus, Stein, and ~~Vaughn~~ Vaughn, Braveboy, Burns, Haddaway, Jameson, J. King, Kirk, Krysiak, Manno, McHale, Stifler, Taylor, and Walkup**

Introduced and read first time: February 8, 2007

Assigned to: Environmental Matters

Reassigned: Environmental Matters and Economic Matters, February 13, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

1 AN ACT concerning

2 **Maryland Commission on Climate Change and Clean Energy Alternatives**

3 FOR the purpose of creating the Maryland Commission on Climate Change and Clean
4 Energy Alternatives; providing for the membership and terms of the
5 Commission; requiring the Governor to designate a chair of the Commission;
6 requiring the President of the Senate and the Speaker of the House to each
7 designate a vice chair of the Commission; authorizing the Commission to
8 appoint certain advisory groups; providing for the staffing of the Commission;
9 providing that a commissioner who fails to attend a certain number of meetings
10 during a certain time period is considered to have resigned; providing for
11 appointment of members in case of a vacancy during an unexpired term;
12 providing for the duties of the Commission; prohibiting a commissioner from
13 receiving certain compensations, but authorizing a commissioner to receive

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 certain reimbursements; requiring the Commission to submit certain reports to
2 the Governor and General Assembly on or before certain dates; and generally
3 relating to the Maryland Commission on Climate Change and Clean Energy
4 Alternatives.

5 BY adding to

6 Article – Environment

7 Section 2–1101 through 2–1105 to be under the new subtitle “Subtitle 11.
8 Maryland Commission on Climate Change and Clean Energy
9 Alternatives”

10 Annotated Code of Maryland

11 (1996 Replacement Volume and 2006 Supplement)

12 Preamble

13 WHEREAS, According to the U.S. Environmental Protection Agency, human
14 activities have substantially added to the amount of heat-trapping greenhouse gases
15 in the atmosphere; and

16 WHEREAS, The burning of fossil fuels and biomass have also resulted in
17 emissions of aerosols that absorb and emit heat and reflect light; and

18 WHEREAS, The addition of greenhouse gases and aerosols has changed the
19 composition of the atmosphere; and

20 WHEREAS, The changes in the atmosphere have likely influenced the size and
21 stability of the ice caps at both of the poles and Greenland and glaciers worldwide, as
22 well as temperature, precipitations, storms, and sea level; and

23 WHEREAS, Sea levels are rising worldwide and along much of the U.S. coast;
24 and

25 WHEREAS, A significant amount of sea level rise has likely resulted from the
26 observed warming of the atmosphere and the oceans; and

27 WHEREAS, The rates of sea level rise along Maryland’s coastline are nearly
28 twice those of the global average; and

29 WHEREAS, In 2006, Allstate Insurance Company announced it would stop
30 issuing new homeowners’ insurance policies in Maryland’s coastal areas; and

31 WHEREAS, In 2007, members of the United States Senate announced their
32 commitment to take action on energy security and global climate change; and

1 **(5) THE SECRETARY OF THE ENVIRONMENT, OR THE**
2 **SECRETARY'S DESIGNEE;**

3 **(6) THE SECRETARY OF PLANNING, OR THE SECRETARY'S**
4 **DESIGNEE;**

5 **(7) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S**
6 **DESIGNEE;**

7 **(8) THE SECRETARY OF BUSINESS AND ECONOMIC**
8 **DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;**

9 **(9) THE DIRECTOR OF THE ENERGY ADMINISTRATION, OR THE**
10 **DIRECTOR'S DESIGNEE; AND**

11 **(10) THE COMPTROLLER OF MARYLAND, OR THE COMPTROLLER'S**
12 **DESIGNEE.**

13 **(B) THE MEMBERS OF THE COMMISSION WHO ARE APPOINTED BY THE**
14 **GOVERNOR, THE PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE**
15 **HOUSE SHALL REPRESENT THE FOLLOWING INTERESTS:**

16 **(1) BUSINESS, INCLUDING INSURANCE;**

17 **(2) LABOR;**

18 **(3) ACADEMIC;**

19 **(4) SCIENTIFIC; AND**

20 **(5) CURRENT AND FORMER MEMBERS OF THE GENERAL**
21 **ASSEMBLY.**

22 **(C) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE**
23 **COMMISSION.**

24 **(D) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE**
25 **SHALL EACH DESIGNATE A VICE CHAIR OF THE COMMISSION.**

1 **(E) THE COMMISSION MAY APPOINT ADVISORY GROUPS TO PROVIDE**
2 **INFORMATION AND RECOMMENDATIONS AS IT DETERMINES NECESSARY TO**
3 **FULFILL ITS DUTIES.**

4 **(F) (1) THE TERM OF A COMMISSIONER IS 3 YEARS.**

5 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
6 **THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON OCTOBER 1,**
7 **2007.**

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

10 **(4) A COMMISSIONER WHO IS APPOINTED AFTER A TERM HAS**
11 **BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
12 **APPOINTED AND QUALIFIES.**

13 **(5) A COMMISSIONER MAY NOT SERVE MORE THAN TWO**
14 **CONSECUTIVE 3-YEAR TERMS.**

15 **(6) A COMMISSIONER WHO FAILS TO ATTEND AT LEAST 50% OF**
16 **THE REGULARLY SCHEDULED MEETINGS DURING ANY 12-MONTH PERIOD**
17 **SHALL BE CONSIDERED TO HAVE RESIGNED.**

18 **(7) (I) SUBJECT TO THE HEARING REQUIREMENTS OF THIS**
19 **PARAGRAPH, THE GOVERNOR MAY REMOVE A COMMISSIONER FOR CAUSE.**

20 **(II) BEFORE THE GOVERNOR REMOVES A MEMBER, THE**
21 **GOVERNOR SHALL GIVE THE MEMBER NOTICE AND AN OPPORTUNITY FOR A**
22 **PUBLIC HEARING.**

23 **(G) THE GOVERNOR SHALL APPOINT A NEW MEMBER IF A VACANCY**
24 **OCCURS DURING AN UNEXPIRED TERM.**

25 **2-1104.**

26 **(A) A COMMISSIONER:**

1 **(1) MAY NOT RECEIVE COMPENSATION FOR SERVICE ON THE**
2 **COMMISSION; BUT**

3 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
4 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE**
5 **BUDGET.**

6 **(B) THE DEPARTMENT OF THE ENVIRONMENT AND THE DEPARTMENT**
7 **OF NATURAL RESOURCES SHALL PROVIDE STAFF FOR THE COMMISSION.**

8 **2-1105.**

9 **(A) THE COMMISSION SHALL:**

10 **(1) (I) DEVELOP AN OVERALL STATE STRATEGY FOR:**

11 **1. ASSESSING AND ADDRESSING THE ISSUE OF**
12 **CLIMATE CHANGE AND THE IMPACTS OF CLIMATE CHANGE ON THE STATE; AND**

13 **2. PROMOTING ENERGY EFFICIENCIES AND CLEAN**
14 **ENERGY ALTERNATIVES; AND**

15 **(II) INCLUDE IN THE STATE STRATEGY SPECIFIC**
16 **LONG-TERM GOALS AND TIMETABLES FOR STATEWIDE REDUCTIONS IN**
17 **GREENHOUSE GAS EMISSIONS FROM ALL SOURCES;**

18 **(2) (I) ASSESS THE SPECIFIC ONGOING, PROBABLE, AND**
19 **POSSIBLE IMPACTS OF VARIOUS CLIMATE CHANGE SCENARIOS, STORM**
20 **BEHAVIOR, AND OTHER WEATHER EVENTS ON THE:**

21 **1. GENERAL WELFARE, HEALTH, ECOLOGY, AND**
22 **ECONOMY OF THE STATE AND ITS CITIZENS;**

23 **2. CHESAPEAKE BAY AND ITS TRIBUTARIES; AND**

24 **3. STATE'S COASTAL COMMUNITIES AND**
25 **WATERFRONTS; AND**

1 (II) INVESTIGATE WAYS TO MITIGATE OR ADAPT TO SUCH
2 CLIMATE CHANGE SCENARIOS, STORM BEHAVIOR, AND OTHER WEATHER
3 EVENTS;

4 (3) DEVELOP SPECIFIC PROCEDURES TO MONITOR PROGRESS IN
5 MEETING AN OVERALL STATE STRATEGY, INCLUDING ESTABLISHING GOALS
6 AND TIMETABLES FOR REDUCING THE STATE'S DEPENDENCE ON
7 CARBON-BASED FOSSIL FUELS;

8 (4) (I) ASSESS THE STATUS OF THE STATE'S ABILITY TO PLAN
9 FOR CLIMATE-DRIVEN EMERGENCIES; AND

10 (II) IDENTIFY THE MOST EFFECTIVE FEDERAL ROLE IN
11 PLANNING FOR CLIMATE-DRIVEN EMERGENCIES;

12 (5) (I) SERVE AS A FOCAL POINT FOR POLICY DEVELOPMENT
13 ON CLIMATE CHANGE ACROSS THE RANGE OF APPROPRIATE STATE AGENCIES;
14 AND

15 (II) RECOMMEND NEW INITIATIVES AND ACTIONS TO
16 MITIGATE OR ADAPT TO THE IMPACTS OF CLIMATE CHANGE;

17 (6) (I) EVALUATE THE KNOWLEDGE AND UNDERSTANDING OF
18 THE STATE AND THE NATION ON CLIMATE AND ALTERNATIVE FUELS ISSUES;
19 AND

20 (II) RECOMMEND RESEARCH TO FURTHER REFINE THE
21 STATE'S UNDERSTANDING OF THE ISSUE;

22 (7) INVESTIGATE AND EVALUATE THE POLICIES AND PROGRAMS
23 UNDER WAY IN OTHER STATES, AT THE NATIONAL LEVEL, THE EUROPEAN
24 UNION, AND ELSEWHERE AS APPROPRIATE, INCLUDING:

25 (I) THE WORKABILITY OF CAP-AND-TRADE AND OTHER
26 CARBON EMISSIONS PRICING INITIATIVES;

27 (II) INCENTIVES FOR CONSUMERS, BUILDERS, INDUSTRIAL,
28 AND COMMERCIAL BUSINESS TO SHIFT TO RENEWABLE SOURCES OF ENERGY;

1 (III) FINANCING MECHANISMS, INCLUDING STATE
2 SUBSIDIES, AND THE USE OF PENSION AND OTHER FUNDS TO PROMOTE THE
3 SHIFT TO RENEWABLE ENERGY; AND

4 (IV) REQUIREMENTS FOR UTILITIES TO BUY BACK
5 RENEWABLE POWER GENERATED BY CONSUMERS;

6 (8) (I) ASSESS THE WORK AND PLANS OF THE NEW ENGLAND
7 REGIONAL GREENHOUSE GAS INITIATIVE AND ITS MEMBER STATES TO
8 DEVELOP WORKABLE SOLUTIONS IN THE WAY OF CAP-AND-TRADE
9 MECHANISMS AND OTHER INITIATIVES; AND

10 (II) OTHERWISE FURTHER THE GOALS OF THE REGIONAL
11 GREENHOUSE GAS INITIATIVE;

12 (9) EXAMINE THE FEASIBILITY OF JOINT CLIMATE AND
13 RENEWABLE ENERGY COOPERATIVE PROGRAMS WITH OTHER STATES, AS WELL
14 AS THE GOVERNMENTS OF CHINA AND OTHER NATIONS; AND

15 (10) (I) ASSESS THE STATUS OF THE INSURANCE INDUSTRY'S
16 PARTICIPATION IN ISSUING PROPERTY INSURANCE TO HOMEOWNERS AND
17 BUSINESSES WITHIN THE STATE'S COASTAL AREAS, IN ORDER TO ENSURE
18 COMPETITIVE, AFFORDABLE, AND UNIVERSALLY AVAILABLE COVERAGE FOR
19 HOMEOWNERS AND BUSINESSES; AND

20 (II) RECOMMEND ANY STATE ACTIONS OR INCENTIVES TO
21 ENSURE THAT HOMEOWNERS AND BUSINESSES RECEIVE COVERAGE.

22 (B) (1) ON OR BEFORE MAY 1 OF EACH YEAR, THE COMMISSION
23 SHALL SUBMIT A REPORT ON ITS PRELIMINARY FINDINGS AND
24 RECOMMENDATIONS.

25 (2) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE
26 COMMISSION SHALL SUBMIT AN ANNUAL REPORT ON ITS FINDINGS AND
27 RECOMMENDATIONS.

28 (3) THE COMMISSION SHALL REPORT BOTH ITS ANNUAL
29 PRELIMINARY AND ANNUAL FINDINGS AND RECOMMENDATIONS TO THE

1 **GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE,**
2 **THE GENERAL ASSEMBLY.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.