

SENATE BILL 256

M4, M1, M3

5lr0570
CF 5lr1521

By: **Senators Pinsky, Benson, Conway, Ferguson, Gladden, Guzzone, Kagan, King, Lee, Madaleno, Manno, Middleton, Montgomery, Raskin, Rosapepe, Waugh, and Young**

Introduced and read first time: February 4, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Shoreline Risk Assessment, Preparation, and Adaptation Act**

3 FOR the purpose of requiring the Department of Agriculture, on or before a certain date,
4 to conduct a comprehensive assessment of the impacts of climate change on
5 agriculture in the State; requiring the assessment to identify, evaluate, and quantify
6 the economic impact of certain risks of climate change on agriculture in the State;
7 requiring the assessment to examine the latest climate science, recommend certain
8 preparation and adaptation strategies, and identify ways in which the Department
9 of Agriculture may provide technical assistance to farmers; requiring the
10 Department of Agriculture to update its assessment every certain number of years
11 and to make it publicly available on its Web site; requiring the Department of
12 Agriculture to consult with the Maryland Commission on Climate Change and the
13 Coast Smart Council to complete the assessment; requiring the University of
14 Maryland Center for Environmental Science to establish certain sea level rise
15 projections and update them every 5 years; requiring the sea level rise projections to
16 include certain maps and to be made publicly available on the Internet; requiring
17 the Department of the Environment, on or before a certain date and in consultation
18 with the Commission on Climate Change and the Coast Smart Council, to conduct a
19 certain assessment, update the assessment every 5 years, and make the assessment
20 publicly available on the Internet; requiring the Secretary of Natural Resources to
21 update the Maryland Environmental Policy Act guidelines to require the
22 consideration of certain climate change risks; requiring a State capital project that
23 involves the construction of a highway, beginning on a certain date, to be constructed
24 in compliance with certain siting and design criteria established by the Coast Smart
25 Council; requiring the Department of Planning, in consultation with the Coast Smart
26 Council, to develop certain model local laws and ordinances; altering the State's
27 Economic Growth, Resource Protection, and Planning Policy to include the
28 consideration of climate change risks; and generally relating to preparing for and
29 adapting to climate change impacts in the State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Agriculture
3 Section 2–108
4 Annotated Code of Maryland
5 (2007 Replacement Volume and 2014 Supplement)

6 BY adding to
7 Article – Environment
8 Section 2–1212
9 Annotated Code of Maryland
10 (2013 Replacement Volume and 2014 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Natural Resources
13 Section 1–304
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Finance and Procurement
18 Section 3–602.3 and 5–7A–01
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2014 Supplement)

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

23 **Article – Agriculture**

24 **2–108.**

25 **(A) ON OR BEFORE JULY 1, 2016, THE DEPARTMENT SHALL CONDUCT A**
26 **COMPREHENSIVE ASSESSMENT OF THE IMPACTS OF CLIMATE CHANGE ON**
27 **AGRICULTURE IN THE STATE.**

28 **(B) (1) THE ASSESSMENT SHALL IDENTIFY AND EVALUATE ALL**
29 **POTENTIAL RISKS OF CLIMATE CHANGE ON AGRICULTURE, INCLUDING:**

30 **(i) DROUGHT;**

31 **(ii) THE EFFECT OF RISING TEMPERATURES ON CROP AND**
32 **LIVESTOCK SPECIES SPECIFIC TO THE STATE;**

33 **(iii) INCREASED PREVALENCE OF INSECTS, PESTS, AND**
34 **DISEASES, INCLUDING SOYBEAN RUST;**

1 (IV) FLOODING, INCLUDING SHORELINE FLOODING, A RISING
2 WATER TABLE, AND SALTWATER INTRUSION; AND

3 (V) SOIL EROSION.

4 (2) THE ASSESSMENT SHALL QUANTIFY THE ECONOMIC IMPACT OF
5 EACH POTENTIAL CLIMATE CHANGE RISK ON AGRICULTURE IN THE STATE.

6 (3) THE ASSESSMENT SHALL:

7 (I) EXAMINE THE LATEST CLIMATE SCIENCE;

8 (II) RECOMMEND PREPARATION AND ADAPTATION STRATEGIES
9 TO LESSEN THE IMPACT OF CLIMATE CHANGE ON AGRICULTURE IN THE STATE; AND

10 (III) IDENTIFY WAYS IN WHICH THE DEPARTMENT MAY PROVIDE
11 TECHNICAL ASSISTANCE TO FARMERS TO PREPARE FOR AND ADAPT TO THE
12 CONSEQUENCES OF CLIMATE CHANGE.

13 (C) (1) THE DEPARTMENT SHALL UPDATE ITS ASSESSMENT EVERY 5
14 YEARS.

15 (2) THE DEPARTMENT SHALL MAKE ITS ASSESSMENT AVAILABLE TO
16 THE PUBLIC ON ITS WEB SITE.

17 (D) THE DEPARTMENT SHALL CONSULT WITH THE MARYLAND
18 COMMISSION ON CLIMATE CHANGE AND THE COAST SMART COUNCIL TO
19 COMPLETE AND UPDATE THE ASSESSMENT.

20 **Article – Environment**

21 **2–1212.**

22 (A) (1) THE UNIVERSITY OF MARYLAND CENTER FOR ENVIRONMENTAL
23 SCIENCE SHALL ESTABLISH SCIENCE–BASED SEA LEVEL RISE PROJECTIONS FOR
24 THE STATE’S SHORELINES AND UPDATE THEM AT LEAST EVERY 5 YEARS.

25 (2) THE SCIENCE–BASED SEA LEVEL RISE PROJECTIONS SHALL
26 INCLUDE MAPS THAT INDICATE THE AREAS IN THE STATE THAT MAY BE MOST
27 AFFECTED BY STORM SURGES, FLOODING, AND EXTREME WEATHER EVENTS.

28 (3) THE SCIENCE–BASED SEA LEVEL RISE PROJECTIONS REQUIRED
29 UNDER THIS SUBSECTION SHALL BE MADE PUBLICLY AVAILABLE ON THE INTERNET.

1 **(B) (1) ON OR BEFORE JULY 1, 2016, THE DEPARTMENT, IN**
2 **CONSULTATION WITH THE MARYLAND COMMISSION ON CLIMATE CHANGE AND THE**
3 **COAST SMART COUNCIL, SHALL CONDUCT A COMPREHENSIVE ASSESSMENT OF THE**
4 **ENVIRONMENTAL AND ECONOMIC IMPACTS OF SEA LEVEL RISE, INCREASED**
5 **PRECIPITATION AND TEMPERATURE, STORM SURGES, FLOODING, AND EXTREME**
6 **WEATHER EVENTS ON THE STATE’S MAJOR CITIES AND TOWNS, INCLUDING THE**
7 **CITY OF ANNAPOLIS, BALTIMORE CITY, AND OCEAN CITY.**

8 **(2) THE DEPARTMENT SHALL:**

9 **(I) UPDATE THE ASSESSMENT EVERY 5 YEARS; AND**

10 **(II) MAKE THE ASSESSMENT PUBLICLY AVAILABLE ON THE**
11 **INTERNET.**

12 **Article – Natural Resources**

13 1–304.

14 (a) As of July 1, 1974, all State agencies shall prepare, in conjunction with each
15 proposed State action significantly affecting the quality of the environment, an
16 environmental effects report including, but not limited to, a discussion of:

17 (1) The effects of the proposed action on the environment, including
18 adverse and beneficial environmental effects that are reasonably likely if the proposal is
19 implemented or if it is not implemented;

20 (2) Measures that might be taken to minimize potential adverse
21 environmental effects and maximize potential beneficial environmental effects, including
22 monitoring, maintenance, replacement, operation, and other follow-up activities; and

23 (3) Reasonable alternatives to the proposed action that might have less
24 adverse environmental effects or greater beneficial environmental effects, including, the
25 alternative of no action.

26 (b) The Secretary of Natural Resources prior to December 31, 1973, shall issue
27 guidelines to assist State agencies in the preparation of environmental effects reports in
28 accordance with this subtitle and pursuant to the public notice provisions of § 10–112 of
29 the State Government Article, including, but not limited to, provision for:

30 (1) Comment upon the proposed State action by public and private
31 organizations and individuals with jurisdiction by law, special expertise, or recognized
32 interest prior to the request for legislation;

1 (ii) “Coast Smart” includes design criteria and siting criteria that are
2 applicable throughout the entire life cycle of a project.

3 (5) “Design criteria” means standard specifications related to the shape,
4 size, or form of a construction practice.

5 **(6) “HIGHWAY” HAS THE MEANING STATED IN § 8–101 OF THE**
6 **TRANSPORTATION ARTICLE.**

7 **[(6)] (7)** (i) “Replacement cost” means, at the time of reconstruction,
8 the cost of reconstructing a structure and its surrounding property to full use with
9 materials of the same kind and quality as the original materials.

10 (ii) “Replacement cost” does not include:

- 11 1. the value of the land on which a structure is located; or
- 12 2. for tax purposes, a deduction for depreciation.

13 **[(7)] (8)** “Siting criteria” means specifications related to the location or
14 use of a structure.

15 **[(8)] (9)** “Special flood hazard area” means land in a tidally influenced
16 floodplain that is:

- 17 (i) subject to at least a 1% chance of flooding in any given year; and
- 18 (ii) designated by the Federal Emergency Management Agency in
19 flood insurance studies and on flood insurance rate maps as Zone A, AE, AH, AO, A1–30,
20 A99, VE, or V1–30.

21 **[(9)] (10)** “Structure” means:

- 22 (i) a walled or roofed building;
- 23 (ii) a manufactured home; or
- 24 (iii) a gas or liquid storage tank that is principally above ground.

25 **[(10)] (11)** “Substantial damage” means damage caused by any source that
26 is sustained by a structure such that the cost of reconstruction to its before–damaged
27 condition is at least half of the structure’s replacement cost before the damage occurred.

28 (b) (1) This subsection applies to State capital projects planned and built by
29 units of State government that are partially or fully funded with State funds.

1 (2) Beginning July 1, 2015, if a State capital project includes the
2 construction of a structure or the reconstruction of a structure with substantial damage,
3 the structure shall be constructed or reconstructed in compliance with siting and design
4 criteria established under subsection (c) of this section.

5 **(3) BEGINNING JULY 1, 2016, IF A STATE CAPITAL PROJECT**
6 **INVOLVES THE CONSTRUCTION OF A HIGHWAY, THE HIGHWAY SHALL BE**
7 **CONSTRUCTED IN COMPLIANCE WITH SITING AND DESIGN CRITERIA ESTABLISHED**
8 **UNDER SUBSECTION (C) OF THIS SECTION.**

9 (c) (1) In consultation with the Department of Natural Resources, the Coast
10 Smart Council established under § 3-1002 of the Natural Resources Article shall establish
11 Coast Smart siting and design criteria to address sea level rise and coastal flood impacts
12 on capital projects.

13 (2) The criteria adopted under this subsection shall include:

14 (i) guidelines, and any other directives applicable to the preliminary
15 planning and construction of a proposed capital project;

16 (ii) a requirement that the lowest floor elevation of each structure
17 located within a special flood hazard area is built at an elevation of at least 2 feet above the
18 base flood elevation; and

19 (iii) provisions establishing a process to allow a unit of State
20 government to obtain a waiver from complying with the requirements of subsection (b) of
21 this section.

22 **(D) ON OR BEFORE JULY 1, 2016, THE DEPARTMENT OF PLANNING, IN**
23 **CONSULTATION WITH THE COAST SMART COUNCIL, SHALL DEVELOP MODEL LOCAL**
24 **LAWS AND ORDINANCES THAT INCORPORATE COAST SMART SITING AND DESIGN**
25 **CRITERIA IN THE DEVELOPMENT AND CONSTRUCTION OF STRUCTURES AND**
26 **HIGHWAYS.**

27 5-7A-01.

28 The State Economic Growth, Resource Protection, and Planning Policy is the
29 following:

30 (1) quality of life and sustainability: a high quality of life is achieved
31 through universal stewardship of the land, water, and air resulting in sustainable
32 communities and protection of the environment;

1 (2) public participation: citizens are active partners in the planning and
2 implementation of community initiatives and are sensitive to their responsibilities in
3 achieving community goals;

4 (3) growth areas: growth is concentrated in existing population and
5 business centers, growth areas adjacent to these centers, or strategically selected new
6 centers;

7 (4) community design: compact, mixed-use, walkable design consistent
8 with existing community character and located near available or planned transit options is
9 encouraged to ensure efficient use of land and transportation resources and preservation
10 and enhancement of natural systems, open spaces, recreational areas, and historical,
11 cultural, and archeological resources;

12 (5) infrastructure: growth areas have the water resources and
13 infrastructure to accommodate population and business expansion in an orderly, efficient,
14 and environmentally sustainable manner;

15 (6) transportation: a well-maintained, multimodal transportation system
16 facilitates the safe, convenient, affordable, and efficient movement of people, goods, and
17 services within and between population and business centers;

18 (7) housing: a range of housing densities, types, and sizes provides
19 residential options for citizens of all ages and incomes;

20 (8) economic development: economic development and natural
21 resource-based businesses that promote employment opportunities for all income levels
22 within the capacity of the State's natural resources, public services, and public facilities are
23 encouraged;

24 (9) environmental protection: land and water resources, including the
25 Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air
26 and water, natural systems, and living resources;

27 (10) resource conservation: waterways, forests, agricultural areas, open
28 space, natural systems, and scenic areas are conserved;

29 (11) stewardship: government, business entities, and residents are
30 responsible for the creation of sustainable communities by collaborating to balance efficient
31 growth with resource protection; [and]

32 (12) implementation: strategies, policies, programs, and funding for growth
33 and development, resource conservation, infrastructure, and transportation are integrated
34 across the local, regional, State, and interstate levels to achieve these visions; AND

35 **(13) PREPARATION AND ADAPTATION: CONSIDERATION OF CLIMATE**
36 **CHANGE RISKS, INCLUDING SEA LEVEL RISE, INCREASED PRECIPITATION AND**

1 TEMPERATURE, STORM SURGES, AND FLOODING, BASED ON AVAILABLE DATA
2 PREDICTING THE LIKELIHOOD OF FUTURE EXTREME WEATHER EVENTS.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2015.