

# SENATE BILL 258

M3

5lr0837  
CF HB 514

---

By: **Senators Pinsky, Astle, Benson, Conway, Currie, Feldman, Ferguson, Gladden, Guzzone, Kagan, Kelley, King, Klausmeier, Lee, Madaleno, Manno, McFadden, Middleton, Miller, Montgomery, Muse, Nathan-Pulliam, Peters, Pugh, Ramirez, Raskin, Rosapepe, Young, and Zirkin**

Introduced and read first time: February 4, 2015

Assigned to: Education, Health, and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 6, 2015

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Commission on Climate Change**

3 FOR the purpose of establishing the Commission on Climate Change in the Department of  
4 the Environment to advise the Governor and General Assembly on ways to mitigate  
5 the causes of, prepare for, and adapt to the consequences of climate change;  
6 establishing the membership of the Commission; providing for the terms of a member  
7 of the Commission; authorizing the Governor to remove a member of the Commission  
8 under certain circumstances; prohibiting a member of the Commission from  
9 receiving certain compensation, but authorizing a member to be reimbursed for  
10 certain expenses; requiring the Commission to establish certain working groups;  
11 requiring the Chair of the Commission to appoint working group members who  
12 represent certain public and private interests; requiring the Commission to prioritize  
13 certain working group actions; requiring the Commission, on or before a certain date  
14 each year, to report to the Governor and General Assembly; requiring each State  
15 agency to complete a certain review in accordance with certain requirements;  
16 requiring each State agency to identify and recommend certain changes to certain  
17 programs under certain circumstances; requiring certain State agencies to report  
18 annually to the Governor and General Assembly on the status of certain programs;  
19 requiring the University of Maryland Center for Environmental Science to establish  
20 and update certain sea level rise projections; requiring the sea level rise projections  
21 to include certain maps and to be made publicly available on the Internet; providing  
22 for the construction of this Act; establishing the intent of the General Assembly;

---

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 requiring the Commission members and working group members to be appointed  
2 and the Commission to be convened ~~and the working group members to be appointed~~  
3 on or before a certain date; providing that nothing in this Act shall preclude the  
4 appointment of a certain member to the Commission; requiring each working group  
5 to meet and establish a work plan on or before a certain date; and generally relating  
6 to the Maryland Commission on Climate Change.

7 BY adding to

8 Article – Environment

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

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2014 Supplement)

13 Preamble

14 WHEREAS, As reported by the United Nations Intergovernmental Panel on Climate  
15 Change (IPCC) in March 2014, the effects of climate change are already occurring on all  
16 continents and across the oceans, and numerous opportunities exist to respond to and  
17 mitigate associated risks; and

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

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

27 WHEREAS, Although the Maryland Commission on Climate Change was created by  
28 Executive Order 01.01.2007.07 in 2007, and then strengthened by Executive Order  
29 01.01.2014.14 in 2014, there is not a statutory body in the State whose sole purpose is to  
30 address climate change impacts and make recommendations to the Governor and General  
31 Assembly; now, therefore,

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

34 **Article – Environment**

35 **SUBTITLE 13. MARYLAND COMMISSION ON CLIMATE CHANGE.**

36 **2–1301.**

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

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

7 **2-1302.**

8           **(A) THE COMMISSION'S MEMBERSHIP SHALL CONSIST OF THE FOLLOWING**  
9 **~~20~~ MEMBERS:**

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

12           **(2) ONE MEMBER OF THE SENATE, APPOINTED BY THE PRESIDENT**  
13 **OF THE SENATE;**

14           **(3) THE STATE TREASURER, OR THE STATE TREASURER'S**  
15 **DESIGNEE;**

16           **(4) THE SECRETARY OF THE ENVIRONMENT, OR THE SECRETARY'S**  
17 **DESIGNEE;**

18           **(5) THE SECRETARY OF AGRICULTURE, OR THE SECRETARY'S**  
19 **DESIGNEE;**

20           **(6) THE SECRETARY OF NATURAL RESOURCES, OR THE**  
21 **SECRETARY'S DESIGNEE;**

22           **(7) THE SECRETARY OF PLANNING, OR THE SECRETARY'S DESIGNEE;**

23           **(8) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE STATE**  
24 **SUPERINTENDENT'S DESIGNEE;**

25           **(9) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S**  
26 **DESIGNEE;**

27           **(10) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S**  
28 **DESIGNEE;**

29           **(11) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION,**  
30 **OR THE DIRECTOR'S DESIGNEE;**

1 (12) THE PRESIDENT OF THE UNIVERSITY OF MARYLAND CENTER  
2 FOR ENVIRONMENTAL SCIENCE, OR THE PRESIDENT'S DESIGNEE;

3 (13) THE CHAIR OF THE CRITICAL AREA COMMISSION FOR THE  
4 CHESAPEAKE AND ATLANTIC COASTAL BAYS, OR THE CHAIR'S DESIGNEE;

5 (14) ONE MEMBER APPOINTED BY THE FARM BUREAU REPRESENTING  
6 THE AGRICULTURE COMMUNITY;

7 ~~(13) (14) (15)~~ ONE MEMBER APPOINTED BY THE ~~PRESIDENT OF THE~~  
8 ~~SENATE~~ MARYLAND ASSOCIATION OF COUNTIES AND ONE MEMBER APPOINTED BY  
9 ~~THE SPEAKER OF THE HOUSE OF DELEGATES~~ MARYLAND MUNICIPAL LEAGUE TO  
10 REPRESENT LOCAL GOVERNMENTS;

11 ~~(14) (15) (16)~~ ONE MEMBER APPOINTED BY THE PRESIDENT OF THE  
12 SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF  
13 DELEGATES TO REPRESENT THE BUSINESS COMMUNITY;

14 ~~(15) (16) (17)~~ ONE MEMBER APPOINTED BY THE PRESIDENT OF THE  
15 SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF  
16 DELEGATES TO REPRESENT ENVIRONMENTAL NONPROFIT ORGANIZATIONS;

17 ~~(17) (18)~~ ONE MEMBER APPOINTED BY THE PRESIDENT OF THE  
18 SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE TO  
19 REPRESENT ORGANIZED LABOR IN THE BUILDING OR CONSTRUCTION TRADES;

20 ~~(18) (19)~~ ONE MEMBER APPOINTED BY THE PRESIDENT OF THE  
21 SENATE AND ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE TO  
22 REPRESENT PHILANTHROPIC ORGANIZATIONS;

23 ~~(16) (19) (20)~~ ONE CLIMATE CHANGE EXPERT APPOINTED BY THE  
24 GOVERNOR REPRESENTING A UNIVERSITY LOCATED IN MARYLAND; AND

25 ~~(17) (20) (21)~~ ONE PUBLIC HEALTH EXPERT APPOINTED BY THE  
26 GOVERNOR REPRESENTING A UNIVERSITY LOCATED IN MARYLAND.

27 (B) ~~THE PRESIDENT OF THE UNIVERSITY OF MARYLAND CENTER FOR~~  
28 ~~ENVIRONMENTAL SCIENCE~~ SECRETARY OF THE ENVIRONMENT OR THE  
29 ~~PRESIDENT'S SECRETARY'S~~ DESIGNEE SHALL CHAIR THE COMMISSION.

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

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

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

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

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

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

15 **2-1303.**

16           **(A) THE COMMISSION SHALL ESTABLISH:**

17           **(1) A SCIENTIFIC AND TECHNICAL WORKING GROUP;**

18           **(2) A GREENHOUSE GAS MITIGATION WORKING GROUP;**

19           **(3) AN ADAPTATION AND RESPONSE WORKING GROUP; AND**

20           **(4) AN EDUCATION, COMMUNICATION, AND OUTREACH WORKING**  
21 **GROUP.**

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

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

27           **(1) ACADEMIC INSTITUTIONS;**

28           **(2) RENEWABLE AND TRADITIONAL ENERGY PROVIDERS;**

29           **(3) ENVIRONMENTAL ORGANIZATIONS;**

1           (4) GOVERNMENT AGENCIES;

2           (5) LABOR ORGANIZATIONS; AND

3           (6) BUSINESS INTERESTS, INCLUDING THE INSURANCE ~~INDUSTRY~~  
4 AND REAL ESTATE INDUSTRIES.

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

7           (1) STRENGTHENING AND MAINTAINING EXISTING STATE CLIMATE  
8 ACTION PLANS;

9           (2) DEVELOPING BROAD PUBLIC AND PRIVATE PARTNERSHIPS WITH  
10 LOCAL, STATE, AND FEDERAL AGENCIES;

11           (3) COMMUNICATING WITH AND EDUCATING CITIZENS ABOUT THE  
12 URGENCY OF ACTING TO REDUCE THE IMPACTS OF CLIMATE CHANGE;

13           (4) MAINTAINING AN INVENTORY OF MARYLAND'S GREENHOUSE GAS  
14 EMISSIONS SOURCES AND CARBON SINKS;

15           (5) ADDRESSING ANY DISPROPORTIONATE IMPACTS OF CLIMATE  
16 CHANGE ON LOW-INCOME AND VULNERABLE COMMUNITIES;

17           (6) ASSESSING THE IMPACTS THAT CLIMATE CHANGE MAY HAVE ON  
18 THE STATE'S ECONOMY, REVENUES, AND INVESTMENT DECISIONS;

19           (7) ASSESSING THE NEEDS FOR UTILITIES AND OTHER PUBLIC AND  
20 PRIVATE SERVICE PROVIDERS THROUGHOUT THE STATE TO ADJUST THEIR  
21 OPERATING PRACTICES AND INVESTMENT STRATEGIES TO MITIGATE THE IMPACTS  
22 OF CLIMATE CHANGE ON THEIR CUSTOMERS AND THE PUBLIC;

23           ~~(7)~~ (8) ASSESSING THE IMPACTS THAT CLIMATE CHANGE MAY  
24 HAVE ON AGRICULTURE IN THE STATE;

25           ~~(8)~~ (9) RECOMMENDING SHORT- AND LONG-TERM STRATEGIES  
26 AND INITIATIVES TO BETTER MITIGATE, PREPARE FOR, AND ADAPT TO THE  
27 CONSEQUENCES OF CLIMATE CHANGE;

28           ~~(9)~~ (10) ASSISTING LOCAL GOVERNMENTS IN SUPPORTING  
29 COMMUNITY-SCALE CLIMATE VULNERABILITY ASSESSMENTS AND THE

1 DEVELOPMENT AND INTEGRATION OF SPECIFIC STRATEGIES INTO LOCAL PLANS  
2 AND ORDINANCES;

3 ~~(10)~~ (11) ESTABLISHING COMPREHENSIVE AND ACCOUNTABLE  
4 ANNUAL WORKING GROUP WORK PLANS THAT SET ANNUAL GOALS AND  
5 PERFORMANCE BENCHMARKS AND PRIORITIZE NEW AND EXISTING CLIMATE  
6 CHANGE MITIGATION AND PREPAREDNESS ACTIONS AND INITIATIVES;

7 ~~(11)~~ (12) MAINTAINING A COMPREHENSIVE ACTION PLAN, WITH  
8 5-YEAR BENCHMARKS, TO ACHIEVE SCIENCE-BASED REDUCTIONS IN MARYLAND'S  
9 GREENHOUSE GAS EMISSIONS;

10 ~~(12)~~ (13) CONVENING REGULAR WORKING GROUP AND FULL  
11 COMMISSION MEETINGS TO ENSURE THAT SUFFICIENT PROGRESS IS BEING MADE  
12 ACROSS ALL SECTORS AND COMMUNITIES IN MARYLAND; AND

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

15 2-1304.

16 ON OR BEFORE NOVEMBER 15 OF EACH YEAR, THE COMMISSION SHALL  
17 REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH §  
18 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE STATUS OF THE STATE'S  
19 EFFORTS TO MITIGATE THE CAUSES OF, PREPARE FOR, AND ADAPT TO THE  
20 CONSEQUENCES OF CLIMATE CHANGE, INCLUDING FUTURE PLANS AND  
21 RECOMMENDATIONS FOR LEGISLATION, IF ANY, TO BE CONSIDERED BY THE  
22 GENERAL ASSEMBLY.

23 2-1305.

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

28 (2) THE REVIEW SHALL INCLUDE THE CONSIDERATION OF:

29 (I) SEA LEVEL RISE;

30 (II) STORM SURGES AND FLOODING;

31 (III) INCREASED PRECIPITATION AND TEMPERATURE; AND

1 (IV) EXTREME WEATHER EVENTS.

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

6 (C) (1) THE FOLLOWING STATE AGENCIES SHALL REPORT ANNUALLY ON  
7 THE STATUS OF PROGRAMS THAT SUPPORT THE STATE'S GREENHOUSE GAS  
8 REDUCTION EFFORTS OR ADDRESS CLIMATE CHANGE, IN ACCORDANCE WITH §  
9 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE COMMISSION AND THE  
10 GOVERNOR:

11 (I) THE DEPARTMENT;

12 (II) THE DEPARTMENT OF AGRICULTURE;

13 (III) THE DEPARTMENT OF GENERAL SERVICES;

14 (IV) THE DEPARTMENT OF HOUSING AND COMMUNITY  
15 DEVELOPMENT;

16 (V) THE DEPARTMENT OF NATURAL RESOURCES;

17 (VI) THE DEPARTMENT OF PLANNING;

18 (VII) THE DEPARTMENT OF TRANSPORTATION;

19 (VIII) THE MARYLAND ENERGY ADMINISTRATION;

20 (IX) THE MARYLAND INSURANCE ADMINISTRATION;

21 (X) THE PUBLIC SERVICE COMMISSION; AND

22 (XI) THE UNIVERSITY OF MARYLAND CENTER FOR  
23 ENVIRONMENTAL SCIENCE.

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

26 (I) PROGRAM DESCRIPTIONS AND OBJECTIVES;

27 (II) IMPLEMENTATION MILESTONES, WHETHER OR NOT THEY  
28 HAVE BEEN MET;



- 1                   (III) ENHANCEMENT OPPORTUNITIES;
- 2                   (IV) FUNDING;
- 3                   (V) CHALLENGES;
- 4                   (VI) ESTIMATED GREENHOUSE GAS EMISSIONS REDUCTIONS, BY  
5 PROGRAM, FOR THE PRIOR CALENDAR YEAR; AND
- 6                   (VII) ANY OTHER INFORMATION THAT THE AGENCY CONSIDERS  
7 RELEVANT.

8 **2-1306.**

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

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

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

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

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

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

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

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

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.