

HOUSE BILL 315

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9lr0242
CF SB 278

By: **Delegate Barve and the Speaker (By Request - Administration) and Delegates Ali, Barkley, Barnes, Beidle, Benson, Bobo, Branch, Bronrott, Cane, Cardin, Carr, V. Clagett, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Healey, Hecht, Holmes, Howard, Hubbard, Hucker, Ivey, Kaiser, Kramer, Lafferty, Lee, Levi, Levy, Malone, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Pena-Melnyk, Pendergrass, Ramirez, Reznik, Rosenberg, Ross, Schuler, Stein, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, and Waldstreicher**

Introduced and read first time: January 29, 2009

Assigned to: Economic Matters and Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Greenhouse Gas Emissions Reduction Act of 2009**

3 FOR the purpose of setting forth certain findings of the General Assembly; requiring
4 the Department of the Environment to publish and update certain inventories
5 based on certain measures on or before certain dates; requiring the State to
6 reduce greenhouse gas emissions by a certain amount by a certain date and to
7 develop a certain plan, adopt certain regulations, and implement certain
8 programs that reduce greenhouse gas emissions; requiring the Department to
9 submit a proposed plan to the Governor and the General Assembly on or before
10 a certain date; requiring the Department to make the plan available to the
11 public; requiring the Department to convene a series of public workshops for
12 comment on the plan; requiring the Department to adopt a final plan in
13 accordance with certain requirements on or before a certain date; requiring the
14 Department to consult with State and local agencies under certain
15 circumstances; prohibiting State agencies from adopting certain regulations;
16 requiring an institution of higher education in the State to conduct a certain
17 study and submit it to the Governor and the General Assembly on or before a
18 certain date; requiring the Governor to appoint a certain task force consisting of
19 certain representatives to oversee the study; authorizing certain greenhouse gas
20 emissions sources to receive certain credits under certain circumstances;
21 requiring the Department to submit a certain report to the Governor and the
22 General Assembly in accordance with certain requirements on or before a
23 certain date; authorizing the General Assembly to maintain, revise, or eliminate

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain greenhouse gas emissions reduction requirements under certain
2 circumstances; requiring the Department to monitor the implementation of a
3 certain plan and to submit certain reports to the Governor and the General
4 Assembly on or before certain dates; defining certain terms; making the
5 provisions of this Act severable; providing for the correction of certain errors
6 and obsolete provisions by the publishers of the Annotated Code; providing for
7 the termination of a certain provision of this Act; and generally relating to the
8 reduction of greenhouse gas emissions.

9 BY adding to

10 Article – Environment

11 Section 2–1201 through 2–1211 to be under the new subtitle “Subtitle 12.
12 Greenhouse Gas Emissions Reductions”

13 Annotated Code of Maryland

14 (2007 Replacement Volume and 2008 Supplement)

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

17 **Article – Environment**

18 **SUBTITLE 12. GREENHOUSE GAS EMISSIONS REDUCTIONS.**

19 **2–1201.**

20 **THE GENERAL ASSEMBLY FINDS THAT:**

21 **(1) GREENHOUSE GASES ARE AIR POLLUTANTS THAT THREATEN**
22 **TO ENDANGER THE PUBLIC HEALTH AND WELFARE OF THE PEOPLE OF**
23 **MARYLAND;**

24 **(2) GLOBAL WARMING POSES A SERIOUS THREAT TO THE STATE’S**
25 **FUTURE HEALTH, WELL-BEING, AND PROSPERITY;**

26 **(3) WITH 3,100 MILES OF TIDALLY INFLUENCED SHORELINE,**
27 **MARYLAND IS VULNERABLE TO THE THREAT POSED BY GLOBAL WARMING AND**
28 **SUSCEPTIBLE TO RISING SEA LEVELS AND FLOODING, WHICH WOULD HAVE**
29 **DETRIMENTAL AND COSTLY EFFECTS;**

30 **(4) THE STATE HAS THE INGENUITY TO REDUCE THE THREAT OF**
31 **GLOBAL WARMING AND MAKE GREENHOUSE GAS REDUCTIONS A PART OF THE**
32 **STATE’S FUTURE BY ACHIEVING A 25% REDUCTION IN GREENHOUSE GAS**
33 **EMISSIONS FROM 2006 LEVELS BY 2020 AND BY PREPARING A PLAN TO MEET A**
34 **LONGER-TERM GOAL OF REDUCING GREENHOUSE GAS EMISSIONS BY UP TO**
35 **90% FROM 2006 LEVELS BY 2050 IN A MANNER THAT PROMOTES NEW “GREEN”**

1 **JOBS, AND PROTECTS EXISTING JOBS AND THE STATE'S ECONOMIC**
2 **WELL-BEING;**

3 **(5) STUDIES HAVE SHOWN THAT ENERGY EFFICIENCY PROGRAMS**
4 **AND TECHNOLOGICAL INITIATIVES CONSISTENT WITH THE GOAL OF REDUCING**
5 **GREENHOUSE GAS EMISSIONS CAN RESULT IN A NET ECONOMIC BENEFIT TO**
6 **THE STATE;**

7 **(6) IN ADDITION TO ACHIEVING THE REDUCTION ESTABLISHED**
8 **UNDER THIS SUBTITLE, IT IS IN THE BEST INTEREST OF THE STATE TO ACT**
9 **EARLY AND AGGRESSIVELY TO ACHIEVE THE MARYLAND COMMISSION ON**
10 **CLIMATE CHANGE'S RECOMMENDED GOALS OF REDUCING GREENHOUSE GAS**
11 **EMISSIONS BY 10% FROM 2006 LEVELS BY 2012 AND BY 15% FROM 2006 LEVELS**
12 **BY 2015;**

13 **(7) WHILE REDUCTIONS OF HARMFUL GREENHOUSE GAS**
14 **EMISSIONS ARE ONE PART OF THE SOLUTION, THE STATE SHOULD FOCUS ON**
15 **DEVELOPING AND UTILIZING CLEAN ENERGIES THAT PROVIDE GREATER**
16 **ENERGY EFFICIENCY AND CONSERVATION, SUCH AS RENEWABLE ENERGY FROM**
17 **WIND, SOLAR, GEOTHERMAL, AND BIOENERGY SOURCES;**

18 **(8) IT IS NECESSARY TO PROTECT THE PUBLIC HEALTH,**
19 **ECONOMIC WELL-BEING, AND NATURAL TREASURES OF THE STATE BY**
20 **REDUCING HARMFUL AIR POLLUTANTS SUCH AS GREENHOUSE GAS EMISSIONS**
21 **BY USING PRACTICAL SOLUTIONS THAT ARE ALREADY AT THE STATE'S**
22 **DISPOSAL;**

23 **(9) CAP AND TRADE REGULATION OF GREENHOUSE GAS**
24 **EMISSIONS IS MOST EFFECTIVE WHEN IMPLEMENTED ON A FEDERAL LEVEL;**

25 **(10) BECAUSE OF THE NEED TO REMAIN COMPETITIVE WITH**
26 **MANUFACTURERS LOCATED IN OTHER STATES OR COUNTRIES AND TO**
27 **PRESERVE EXISTING MANUFACTURING JOBS IN THE STATE, GREENHOUSE GAS**
28 **EMISSIONS FROM THE MANUFACTURING SECTOR ARE MOST EFFECTIVELY**
29 **REGULATED ON A NATIONAL AND INTERNATIONAL LEVEL; AND**

30 **(11) BECAUSE OF THE NEED TO REMAIN COMPETITIVE WITH**
31 **OTHER STATES, GREENHOUSE GAS EMISSIONS FROM CERTAIN OTHER**
32 **COMMERCIAL AND SERVICE SECTORS, INCLUDING FREIGHT CARRIERS AND**
33 **GENERATORS OF ELECTRICITY, ARE MOST EFFECTIVELY REGULATED ON A**
34 **NATIONAL LEVEL.**

35 **2-1202.**

1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "ALTERNATIVE COMPLIANCE MECHANISM" MEANS AN ACTION
4 AUTHORIZED BY REGULATIONS ADOPTED BY THE DEPARTMENT THAT ACHIEVES
5 THE EQUIVALENT REDUCTION OF GREENHOUSE GAS EMISSIONS OVER THE
6 SAME PERIOD AS A DIRECT EMISSIONS REDUCTION.

7 (C) "CARBON DIOXIDE EQUIVALENT" MEANS THE MEASUREMENT OF A
8 GIVEN WEIGHT OF A GREENHOUSE GAS THAT HAS THE SAME GLOBAL WARMING
9 POTENTIAL, MEASURED OVER A SPECIFIED PERIOD OF TIME, AS ONE METRIC
10 TON OF CARBON DIOXIDE.

11 (D) "DIRECT EMISSIONS REDUCTION" MEANS A REDUCTION OF
12 GREENHOUSE GAS EMISSIONS FROM A GREENHOUSE GAS EMISSIONS SOURCE.

13 (E) "GREENHOUSE GAS" INCLUDES CARBON DIOXIDE, METHANE,
14 NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR
15 HEXAFLUORIDE.

16 (F) "GREENHOUSE GAS EMISSIONS SOURCE" MEANS A SOURCE OR
17 CATEGORY OF SOURCES OF GREENHOUSE GAS EMISSIONS THAT HAVE
18 EMISSIONS OF GREENHOUSE GASES THAT ARE SUBJECT TO REPORTING
19 REQUIREMENTS OR OTHER PROVISIONS OF THIS SUBTITLE, AS DETERMINED BY
20 THE DEPARTMENT.

21 (G) "LEAKAGE" MEANS A REDUCTION IN GREENHOUSE GAS EMISSIONS
22 WITHIN THE STATE THAT IS OFFSET BY A CORRESPONDING INCREASE IN
23 GREENHOUSE GAS EMISSIONS FROM A GREENHOUSE GAS EMISSIONS SOURCE
24 LOCATED OUTSIDE THE STATE THAT IS NOT SUBJECT TO A SIMILAR STATE,
25 INTERSTATE, OR REGIONAL GREENHOUSE GAS EMISSIONS CAP OR LIMITATION.

26 (H) (1) "MANUFACTURING" MEANS THE PROCESS OF SUBSTANTIALLY
27 TRANSFORMING, OR A SUBSTANTIAL STEP IN THE PROCESS OF SUBSTANTIALLY
28 TRANSFORMING, TANGIBLE PERSONAL PROPERTY INTO A NEW AND DIFFERENT
29 ARTICLE OF TANGIBLE PERSONAL PROPERTY BY THE USE OF LABOR OR
30 MACHINERY.

31 (2) "MANUFACTURING", WHEN PERFORMED BY COMPANIES
32 PRIMARILY ENGAGED IN THE ACTIVITIES DESCRIBED IN PARAGRAPH (1) OF
33 THIS SUBSECTION, INCLUDES:

34 (I) THE OPERATION OF SAW MILLS, GRAIN MILLS, OR FEED
35 MILLS;

1 **(II) THE OPERATION OF MACHINERY AND EQUIPMENT USED**
2 **TO EXTRACT AND PROCESS MINERALS, METALS, OR EARTHEN MATERIALS OR**
3 **BY-PRODUCTS THAT RESULT FROM THE EXTRACTING OR PROCESSING; AND**

4 **(III) RESEARCH AND DEVELOPMENT ACTIVITIES.**

5 **(3) “MANUFACTURING” DOES NOT INCLUDE:**

6 **(I) ACTIVITIES THAT ARE PRIMARILY A SERVICE;**

7 **(II) ACTIVITIES THAT ARE INTELLECTUAL, ARTISTIC, OR**
8 **CLERICAL IN NATURE;**

9 **(III) PUBLIC UTILITY SERVICES, INCLUDING GAS, ELECTRIC,**
10 **WATER, AND STEAM PRODUCTION SERVICES; OR**

11 **(IV) ANY OTHER ACTIVITY THAT WOULD NOT COMMONLY BE**
12 **CONSIDERED AS MANUFACTURING.**

13 **(I) “STATEWIDE GREENHOUSE GAS EMISSIONS” MEANS THE TOTAL**
14 **ANNUAL EMISSIONS OF GREENHOUSE GASES IN THE STATE, MEASURED IN**
15 **METRIC TONS OF CARBON DIOXIDE EQUIVALENTS, INCLUDING ALL EMISSIONS**
16 **OF GREENHOUSE GASES FROM THE GENERATION OF ELECTRICITY DELIVERED**
17 **TO AND CONSUMED IN THE STATE, AND LINE LOSSES FROM THE TRANSMISSION**
18 **AND DISTRIBUTION OF ELECTRICITY, WHETHER THE ELECTRICITY IS**
19 **GENERATED IN-STATE OR IMPORTED.**

20 **2-1203.**

21 **(A) ON OR BEFORE JUNE 1, 2011, THE DEPARTMENT SHALL PUBLISH:**

22 **(1) AN INVENTORY OF STATEWIDE GREENHOUSE GAS EMISSIONS**
23 **FOR CALENDAR YEAR 2006; AND**

24 **(2) BASED ON EXISTING GREENHOUSE GAS EMISSIONS CONTROL**
25 **MEASURES, A PROJECTED “BUSINESS AS USUAL” INVENTORY FOR CALENDAR**
26 **YEAR 2020.**

27 **(B) THE DEPARTMENT SHALL REVIEW AND PUBLISH AN UPDATED**
28 **STATEWIDE GREENHOUSE GAS EMISSIONS INVENTORY FOR CALENDAR YEAR**
29 **2011 AND FOR EVERY THIRD CALENDAR YEAR THEREAFTER.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Environment**

4 **2-1204.**

5 **THE STATE SHALL REDUCE STATEWIDE GREENHOUSE GAS EMISSIONS BY**
6 **25% FROM 2006 LEVELS BY 2020.**

7 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
8 read as follows:

9 **Article - Environment**

10 **2-1205.**

11 (A) **THE STATE SHALL DEVELOP A PLAN, ADOPT REGULATIONS, AND**
12 **IMPLEMENT PROGRAMS THAT REDUCE STATEWIDE GREENHOUSE GAS**
13 **EMISSIONS IN ACCORDANCE WITH THIS SUBTITLE.**

14 (B) **ON OR BEFORE DECEMBER 31, 2011, THE DEPARTMENT SHALL:**

15 (1) **SUBMIT A PROPOSED PLAN TO THE GOVERNOR AND GENERAL**
16 **ASSEMBLY;**

17 (2) **MAKE THE PROPOSED PLAN AVAILABLE TO THE PUBLIC; AND**

18 (3) **CONVENE A SERIES OF PUBLIC WORKSHOPS TO PROVIDE**
19 **INTERESTED PARTIES WITH AN OPPORTUNITY TO COMMENT ON THE PROPOSED**
20 **PLAN.**

21 (C) (1) **THE DEPARTMENT SHALL, ON OR BEFORE DECEMBER 31,**
22 **2012, ADOPT A FINAL PLAN THAT REDUCES STATEWIDE GREENHOUSE GAS**
23 **EMISSIONS BY 25% FROM 2006 LEVELS BY 2020.**

24 (2) **THE PLAN SHALL BE DEVELOPED AS THE INITIAL STATE**
25 **ACTION IN RECOGNITION OF THE FINDING BY THE INTERGOVERNMENTAL**
26 **PANEL ON CLIMATE CHANGE THAT DEVELOPED COUNTRIES WILL NEED TO**
27 **REDUCE GREENHOUSE GAS EMISSIONS BY BETWEEN 80% AND 95% FROM 1990**
28 **LEVELS BY 2050.**

29 (D) **THE FINAL PLAN REQUIRED UNDER SUBSECTION (C) OF THIS**
30 **SECTION SHALL INCLUDE:**

1 (1) ADOPTED REGULATIONS THAT IMPLEMENT ALL PLAN
2 MEASURES FOR WHICH STATE AGENCIES HAVE EXISTING STATUTORY
3 AUTHORITY; AND

4 (2) A SUMMARY OF ANY NEW LEGISLATIVE AUTHORITY NEEDED
5 TO FULLY IMPLEMENT THE PLAN AND A TIMELINE FOR SEEKING LEGISLATIVE
6 AUTHORITY.

7 (E) IN DEVELOPING AND ADOPTING A FINAL PLAN TO REDUCE
8 STATEWIDE GREENHOUSE GAS EMISSIONS, THE DEPARTMENT SHALL CONSULT
9 WITH STATE AND LOCAL AGENCIES AS APPROPRIATE.

10 (F) (1) UNLESS REQUIRED BY FEDERAL LAW OR REGULATIONS OR
11 EXISTING STATE LAW, REGULATIONS ADOPTED BY STATE AGENCIES TO
12 IMPLEMENT THE FINAL PLAN MAY NOT:

13 (I) REQUIRE GREENHOUSE GAS EMISSIONS REDUCTIONS
14 FROM THE STATE'S MANUFACTURING SECTOR; OR

15 (II) CAUSE A SIGNIFICANT INCREASE IN COSTS TO THE
16 STATE'S MANUFACTURING SECTOR.

17 (2) PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE
18 CONSTRUED TO EXEMPT GREENHOUSE GAS EMISSIONS SOURCES IN THE
19 STATE'S MANUFACTURING SECTOR FROM THE OBLIGATION TO COMPLY WITH:

20 (I) GREENHOUSE GAS EMISSIONS MONITORING,
21 RECORDKEEPING, AND REPORTING REQUIREMENTS FOR WHICH THE
22 DEPARTMENT HAD EXISTING AUTHORITY UNDER § 2-301(A) OF THIS TITLE ON
23 OR BEFORE OCTOBER 1, 2009; OR

24 (II) GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED
25 OF THE MANUFACTURING SECTOR AS A RESULT OF THE STATE'S
26 IMPLEMENTATION OF THE REGIONAL GREENHOUSE GAS INITIATIVE.

27 (G) A REGULATION ADOPTED BY A STATE AGENCY FOR THE PURPOSE
28 OF REDUCING GREENHOUSE GAS EMISSIONS IN ACCORDANCE WITH THIS
29 SECTION MAY NOT BE CONSTRUED TO RESULT IN A SIGNIFICANT INCREASE IN
30 COSTS TO THE STATE'S MANUFACTURING SECTOR UNLESS THE SOURCE WOULD
31 NOT INCUR THE COST INCREASE BUT FOR THE NEW REGULATION.

32 **2-1206.**

1 **IN DEVELOPING AND IMPLEMENTING THE PLAN REQUIRED BY § 2-1205**
2 **OF THIS SUBTITLE, THE DEPARTMENT SHALL:**

3 **(1) ANALYZE THE FEASIBILITY OF MEASURES TO COMPLY WITH**
4 **THE GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED BY THIS SUBTITLE;**

5 **(2) PROVIDE THAT A GREENHOUSE GAS EMISSIONS SOURCE THAT**
6 **VOLUNTARILY REDUCES ITS GREENHOUSE GAS EMISSIONS BEFORE THE**
7 **IMPLEMENTATION OF THIS SUBTITLE SHALL RECEIVE APPROPRIATE CREDIT**
8 **FOR ITS EARLY VOLUNTARY ACTIONS;**

9 **(3) PROVIDE FOR THE USE OF OFFSET CREDITS GENERATED BY**
10 **ALTERNATIVE COMPLIANCE MECHANISMS EXECUTED WITHIN THE STATE,**
11 **INCLUDING CARBON SEQUESTRATION PROJECTS, TO ACHIEVE COMPLIANCE**
12 **WITH GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED BY THIS SUBTITLE;**

13 **(4) ENSURE THAT THE PLAN DOES NOT DECREASE THE**
14 **LIKELIHOOD OF RELIABLE AND AFFORDABLE ELECTRICAL SERVICE AND**
15 **STATEWIDE FUEL SUPPLIES; AND**

16 **(5) ENSURE THAT THE GREENHOUSE GAS EMISSIONS REDUCTION**
17 **MEASURES IMPLEMENTED IN ACCORDANCE WITH THE PLAN:**

18 **(I) ARE IMPLEMENTED IN AN EFFICIENT AND**
19 **COST-EFFECTIVE MANNER;**

20 **(II) DO NOT DISPROPORTIONATELY IMPACT LOW-INCOME,**
21 **LOW- TO MODERATE-INCOME, OR MINORITY COMMUNITIES OR ANY OTHER**
22 **PARTICULAR CLASS OF ELECTRICITY RATEPAYERS;**

23 **(III) MINIMIZE LEAKAGE;**

24 **(IV) ARE QUANTIFIABLE, VERIFIABLE, AND ENFORCEABLE;**

25 **(V) DIRECTLY CAUSE NO LOSS OF EXISTING JOBS IN THE**
26 **MANUFACTURING SECTOR;**

27 **(VI) PRODUCE A NET ECONOMIC BENEFIT TO THE STATE'S**
28 **ECONOMY AND A NET INCREASE IN JOBS IN THE STATE; AND**

29 **(VII) ENCOURAGE NEW EMPLOYMENT OPPORTUNITIES IN**
30 **THE STATE RELATED TO ENERGY CONSERVATION, ALTERNATIVE ENERGY**
31 **SUPPLY, AND GREENHOUSE GAS EMISSIONS REDUCTION TECHNOLOGIES.**

1 **2-1207.**

2 (A) (1) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE
3 SHALL CONDUCT AN INDEPENDENT STUDY OF THE ECONOMIC IMPACT OF
4 REQUIRING GREENHOUSE GAS EMISSIONS REDUCTIONS FROM THE STATE'S
5 MANUFACTURING SECTOR.

6 (2) THE GOVERNOR SHALL APPOINT A TASK FORCE TO OVERSEE
7 THE INDEPENDENT STUDY REQUIRED BY THIS SECTION.

8 (3) THE TASK FORCE SHALL INCLUDE REPRESENTATIVES OF:

9 (I) LABOR UNIONS;

10 (II) AFFECTED INDUSTRIES AND BUSINESSES;

11 (III) ENVIRONMENTAL ORGANIZATIONS; AND

12 (IV) LOW-INCOME AND MINORITY COMMUNITIES.

13 (B) ON OR BEFORE OCTOBER 1, 2015, THE INSTITUTION OF HIGHER
14 EDUCATION RESPONSIBLE FOR THE INDEPENDENT STUDY SHALL COMPLETE
15 AND SUBMIT THE STUDY TO THE GOVERNOR AND, IN ACCORDANCE WITH §
16 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

17 **2-1208.**

18 (A) A GREENHOUSE GAS EMISSIONS SOURCE IN THE STATE'S
19 MANUFACTURING SECTOR THAT IMPLEMENTS A VOLUNTARY GREENHOUSE GAS
20 EMISSIONS REDUCTION PLAN THAT IS APPROVED BY THE DEPARTMENT ON OR
21 BEFORE JANUARY 1, 2012, MAY BE ELIGIBLE TO RECEIVE VOLUNTARY EARLY
22 ACTION CREDITS UNDER ANY FUTURE STATE LAW REQUIRING GREENHOUSE
23 GAS EMISSIONS REDUCTIONS FROM THE MANUFACTURING SECTOR.

24 (B) A VOLUNTARY GREENHOUSE GAS EMISSIONS REDUCTION PLAN MAY
25 INCLUDE MEASURES TO:

26 (1) REDUCE ENERGY USE AND INCREASE PROCESS EFFICIENCY;
27 AND

28 (2) FACILITATE INDUSTRY-WIDE RESEARCH AND DEVELOPMENT
29 DIRECTED TOWARD FUTURE MEASURES TO REDUCE GREENHOUSE GAS
30 EMISSIONS.

1 **2-1209.**

2 (A) ON OR BEFORE OCTOBER 1, 2015, THE DEPARTMENT SHALL
3 SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF
4 THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THAT INCLUDES:

5 (1) A SUMMARY OF THE STATE'S PROGRESS TOWARD ACHIEVING
6 THE 2020 EMISSIONS REDUCTION REQUIRED BY THE PLAN UNDER § 2-1205 OF
7 THIS SUBTITLE;

8 (2) AN UPDATE ON EMERGING TECHNOLOGIES TO REDUCE
9 GREENHOUSE GAS EMISSIONS;

10 (3) A REVIEW OF THE BEST AVAILABLE SCIENCE, INCLUDING
11 UPDATES BY THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE,
12 REGARDING THE LEVEL AND PACE OF GREENHOUSE GAS EMISSIONS
13 REDUCTIONS AND SEQUESTRATION NEEDED TO AVOID DANGEROUS
14 ANTHROPOGENIC CHANGES TO THE EARTH'S CLIMATE SYSTEM;

15 (4) RECOMMENDATIONS ON THE NEED FOR SCIENCE-BASED
16 ADJUSTMENTS TO THE REQUIREMENT TO REDUCE STATEWIDE GREENHOUSE
17 GAS EMISSIONS BY 25% BY 2020;

18 (5) A SUMMARY OF ADDITIONAL OR REVISED REGULATIONS,
19 CONTROL PROGRAMS, OR INCENTIVES THAT ARE NECESSARY TO ACHIEVE THE
20 25% REDUCTION IN STATEWIDE GREENHOUSE GAS EMISSIONS REQUIRED
21 UNDER THIS SUBTITLE, OR A REVISED REDUCTION RECOMMENDED IN
22 ACCORDANCE WITH ITEM (4) OF THIS SUBSECTION;

23 (6) THE STATUS OF ANY FEDERAL PROGRAM TO REDUCE
24 GREENHOUSE GAS EMISSIONS AND ANY TRANSITION BY THE STATE FROM ITS
25 PARTICIPATION IN THE REGIONAL GREENHOUSE GAS INITIATIVE TO A
26 COMPARABLE FEDERAL CAP AND TRADE PROGRAM; AND

27 (7) AN ANALYSIS OF THE OVERALL ECONOMIC COSTS AND
28 BENEFITS TO THE STATE'S ECONOMY, ENVIRONMENT, AND PUBLIC HEALTH OF
29 A CONTINUATION OR MODIFICATION OF THE REQUIREMENT TO ACHIEVE A
30 REDUCTION OF 25% IN STATEWIDE GREENHOUSE GAS EMISSIONS BY 2020,
31 INCLUDING REDUCTIONS IN OTHER AIR POLLUTANTS, DIVERSIFICATION OF
32 ENERGY SOURCES, THE IMPACT ON EXISTING JOBS, THE CREATION OF NEW
33 JOBS, AND EXPANSION OF THE STATE'S LOW CARBON ECONOMY.

1 **(B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION**
2 **SHALL BE SUBJECT TO A PUBLIC COMMENT AND HEARING PROCESS**
3 **CONDUCTED BY THE DEPARTMENT.**

4 **2-1210.**

5 **ON REVIEW OF THE STUDY REQUIRED UNDER § 2-1207 OF THIS SUBTITLE,**
6 **AND THE REPORT REQUIRED UNDER § 2-1209 OF THIS SUBTITLE, THE GENERAL**
7 **ASSEMBLY MAY ACT TO MAINTAIN, REVISE, OR ELIMINATE THE 25%**
8 **GREENHOUSE GAS EMISSIONS REDUCTION REQUIRED UNDER THIS SUBTITLE.**

9 **2-1211.**

10 **THE DEPARTMENT SHALL MONITOR IMPLEMENTATION OF THE PLAN**
11 **REQUIRED UNDER § 2-1205 OF THIS SUBTITLE AND SHALL SUBMIT A REPORT,**
12 **ON OR BEFORE OCTOBER 1, 2020, AND EVERY 5 YEARS THEREAFTER, TO THE**
13 **GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**
14 **ARTICLE, THE GENERAL ASSEMBLY THAT DESCRIBES THE STATE'S PROGRESS**
15 **TOWARD ACHIEVING:**

16 **(1) THE REDUCTION IN GREENHOUSE GAS EMISSIONS REQUIRED**
17 **UNDER THIS SUBTITLE, OR ANY REVISIONS CONDUCTED IN ACCORDANCE WITH §**
18 **2-1210 OF THIS SUBTITLE; AND**

19 **(2) THE GREENHOUSE GAS EMISSIONS REDUCTIONS NEEDED BY**
20 **2050 IN ORDER TO AVOID DANGEROUS ANTHROPOGENIC CHANGES TO THE**
21 **EARTH'S CLIMATE SYSTEM, BASED ON THE PREDOMINANT VIEW OF THE**
22 **SCIENTIFIC COMMUNITY AT THE TIME OF THE LATEST REPORT.**

23 SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this
24 Act or the application thereof to any person or circumstance is held invalid for any
25 reason in a court of competent jurisdiction, the invalidity does not affect other
26 provisions or any other application of this Act which can be given effect without the
27 invalid provision or application, and for this purpose the provisions of this Act are
28 declared severable.

29 SECTION 5. AND BE IT FURTHER ENACTED, That any reference in the
30 Annotated Code of Maryland rendered incorrect or obsolete by the provisions of
31 Section 6 of this Act shall be corrected by the publishers of the Annotated Code, in
32 consultation with and subject to the approval of the Department of Legislative
33 Services, with no further action required by the General Assembly.

34 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
35 take effect October 1, 2009. It shall remain effective for a period of 7 years and 3
36 months, and at the end of December 31, 2016, with no further action required by the

1 General Assembly, Section 2 of this Act shall be abrogated and of no further force and
2 effect.

3 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
4 Section 6 of this Act, this Act shall take effect October 1, 2009.