

# HOUSE BILL 315

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CF SB 278

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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~~ Waldstreicher, Braveboy, Burns, Davis, Glenn, Harrison, Jameson, Kirk, Love, Mathias, McHale, and Rudolph**

Introduced and read first time: January 29, 2009

Assigned to: Economic Matters and Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 23, 2009

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

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 the Department to take certain actions as it develops and implements  
17 the plan in a certain manner; requiring an institution of higher education in the

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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 State to conduct a certain study and submit it to the Governor and the General  
 2 Assembly on or before a certain date; requiring the Governor to appoint a  
 3 certain task force consisting of certain representatives to oversee the study;  
 4 requiring that, to the extent practicable, the members appointed to the task  
 5 force reflect the geographic, racial, and gender diversity of the State;  
 6 authorizing certain greenhouse gas emissions sources to receive certain credits  
 7 under certain circumstances; requiring the Department to submit a certain  
 8 report to the Governor and the General Assembly in accordance with certain  
 9 requirements on or before a certain date; authorizing the General Assembly to  
 10 maintain, revise, or eliminate certain greenhouse gas emissions reduction  
 11 requirements under certain circumstances; requiring the Department to  
 12 monitor the implementation of a certain plan and to submit certain reports to  
 13 the Governor and the General Assembly on or before certain dates; requiring  
 14 the Department to include certain agencies and entities in certain discussions  
 15 regarding certain matters; defining certain terms; making the provisions of this  
 16 Act severable; providing for the correction of certain errors and obsolete  
 17 provisions by the publishers of the Annotated Code; providing for the  
 18 termination of a certain provision of this Act; and generally relating to the  
 19 reduction of greenhouse gas emissions.

20 BY adding to

21 Article – Environment

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

24 Annotated Code of Maryland

25 (2007 Replacement Volume and 2008 Supplement)

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

28 **Article – Environment**

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

30 **2–1201.**

31 **THE GENERAL ASSEMBLY FINDS THAT:**

32 (1) **GREENHOUSE GASES ARE AIR POLLUTANTS THAT THREATEN**  
 33 **TO ENDANGER THE PUBLIC HEALTH AND WELFARE OF THE PEOPLE OF**  
 34 **MARYLAND;**

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

37 (3) **WITH 3,100 MILES OF TIDALLY INFLUENCED SHORELINE,**  
 38 **MARYLAND IS VULNERABLE TO THE THREAT POSED BY GLOBAL WARMING AND**

1 SUSCEPTIBLE TO RISING SEA LEVELS AND FLOODING, WHICH WOULD HAVE  
2 DETRIMENTAL AND COSTLY EFFECTS;

3 (4) THE STATE HAS THE INGENUITY TO REDUCE THE THREAT OF  
4 GLOBAL WARMING AND MAKE GREENHOUSE GAS REDUCTIONS A PART OF THE  
5 STATE'S FUTURE BY ACHIEVING A 25% REDUCTION IN GREENHOUSE GAS  
6 EMISSIONS FROM 2006 LEVELS BY 2020 AND BY PREPARING A PLAN TO MEET A  
7 LONGER-TERM GOAL OF REDUCING GREENHOUSE GAS EMISSIONS BY UP TO  
8 90% FROM 2006 LEVELS BY 2050 IN A MANNER THAT PROMOTES NEW "GREEN"  
9 JOBS, AND PROTECTS EXISTING JOBS AND THE STATE'S ECONOMIC  
10 WELL-BEING;

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

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

21 (7) WHILE REDUCTIONS OF HARMFUL GREENHOUSE GAS  
22 EMISSIONS ARE ONE PART OF THE SOLUTION, THE STATE SHOULD FOCUS ON  
23 DEVELOPING AND UTILIZING CLEAN ENERGIES THAT PROVIDE GREATER  
24 ENERGY EFFICIENCY AND CONSERVATION, SUCH AS RENEWABLE ENERGY FROM  
25 WIND, SOLAR, GEOTHERMAL, AND BIOENERGY SOURCES;

26 (8) IT IS NECESSARY TO PROTECT THE PUBLIC HEALTH,  
27 ECONOMIC WELL-BEING, AND NATURAL TREASURES OF THE STATE BY  
28 REDUCING HARMFUL AIR POLLUTANTS SUCH AS GREENHOUSE GAS EMISSIONS  
29 BY USING PRACTICAL SOLUTIONS THAT ARE ALREADY AT THE STATE'S  
30 DISPOSAL;

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

33 (10) BECAUSE OF THE NEED TO REMAIN COMPETITIVE WITH  
34 MANUFACTURERS LOCATED IN OTHER STATES OR COUNTRIES AND TO  
35 PRESERVE EXISTING MANUFACTURING JOBS IN THE STATE, GREENHOUSE GAS  
36 EMISSIONS FROM THE MANUFACTURING SECTOR ARE MOST EFFECTIVELY  
37 REGULATED ON A NATIONAL AND INTERNATIONAL LEVEL; AND

1           (11) BECAUSE OF THE NEED TO REMAIN COMPETITIVE WITH  
2 OTHER STATES, GREENHOUSE GAS EMISSIONS FROM CERTAIN OTHER  
3 COMMERCIAL AND SERVICE SECTORS, INCLUDING FREIGHT CARRIERS AND  
4 GENERATORS OF ELECTRICITY, ARE MOST EFFECTIVELY REGULATED ON A  
5 NATIONAL LEVEL.

6 **2-1202.**

7           (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9           (B) “ALTERNATIVE COMPLIANCE MECHANISM” MEANS AN ACTION  
10 AUTHORIZED BY REGULATIONS ADOPTED BY THE DEPARTMENT THAT ACHIEVES  
11 THE EQUIVALENT REDUCTION OF GREENHOUSE GAS EMISSIONS OVER THE  
12 SAME PERIOD AS A DIRECT EMISSIONS REDUCTION.

13           (C) “CARBON DIOXIDE EQUIVALENT” MEANS THE MEASUREMENT OF A  
14 GIVEN WEIGHT OF A GREENHOUSE GAS THAT HAS THE SAME GLOBAL WARMING  
15 POTENTIAL, MEASURED OVER A SPECIFIED PERIOD OF TIME, AS ONE METRIC  
16 TON OF CARBON DIOXIDE.

17           (D) “DIRECT EMISSIONS REDUCTION” MEANS A REDUCTION OF  
18 GREENHOUSE GAS EMISSIONS FROM A GREENHOUSE GAS EMISSIONS SOURCE.

19           (E) “GREENHOUSE GAS” INCLUDES CARBON DIOXIDE, METHANE,  
20 NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR  
21 HEXAFLUORIDE.

22           (F) “GREENHOUSE GAS EMISSIONS SOURCE” MEANS A SOURCE OR  
23 CATEGORY OF SOURCES OF GREENHOUSE GAS EMISSIONS THAT HAVE  
24 EMISSIONS OF GREENHOUSE GASES THAT ARE SUBJECT TO REPORTING  
25 REQUIREMENTS OR OTHER PROVISIONS OF THIS SUBTITLE, AS DETERMINED BY  
26 THE DEPARTMENT.

27           (G) “LEAKAGE” MEANS A REDUCTION IN GREENHOUSE GAS EMISSIONS  
28 WITHIN THE STATE THAT IS OFFSET BY A CORRESPONDING INCREASE IN  
29 GREENHOUSE GAS EMISSIONS FROM A GREENHOUSE GAS EMISSIONS SOURCE  
30 LOCATED OUTSIDE THE STATE THAT IS NOT SUBJECT TO A SIMILAR STATE,  
31 INTERSTATE, OR REGIONAL GREENHOUSE GAS EMISSIONS CAP OR LIMITATION.

32           (H) (1) “MANUFACTURING” MEANS THE PROCESS OF SUBSTANTIALLY  
33 TRANSFORMING, OR A SUBSTANTIAL STEP IN THE PROCESS OF SUBSTANTIALLY  
34 TRANSFORMING, TANGIBLE PERSONAL PROPERTY INTO A NEW AND DIFFERENT

1 ARTICLE OF TANGIBLE PERSONAL PROPERTY BY THE USE OF LABOR OR  
2 MACHINERY.

3 (2) "MANUFACTURING", WHEN PERFORMED BY COMPANIES  
4 PRIMARILY ENGAGED IN THE ACTIVITIES DESCRIBED IN PARAGRAPH (1) OF  
5 THIS SUBSECTION, INCLUDES:

6 (I) THE OPERATION OF SAW MILLS, GRAIN MILLS, OR FEED  
7 MILLS;

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

11 (III) RESEARCH AND DEVELOPMENT ACTIVITIES.

12 (3) "MANUFACTURING" DOES NOT INCLUDE:

13 (I) ACTIVITIES THAT ARE PRIMARILY A SERVICE;

14 (II) ACTIVITIES THAT ARE INTELLECTUAL, ARTISTIC, OR  
15 CLERICAL IN NATURE;

16 (III) PUBLIC UTILITY SERVICES, INCLUDING GAS, ELECTRIC,  
17 WATER, AND STEAM PRODUCTION SERVICES; OR

18 (IV) ANY OTHER ACTIVITY THAT WOULD NOT COMMONLY BE  
19 CONSIDERED AS MANUFACTURING.

20 (I) "STATEWIDE GREENHOUSE GAS EMISSIONS" MEANS THE TOTAL  
21 ANNUAL EMISSIONS OF GREENHOUSE GASES IN THE STATE, MEASURED IN  
22 METRIC TONS OF CARBON DIOXIDE EQUIVALENTS, INCLUDING ALL EMISSIONS  
23 OF GREENHOUSE GASES FROM THE GENERATION OF ELECTRICITY DELIVERED  
24 TO AND CONSUMED IN THE STATE, AND LINE LOSSES FROM THE TRANSMISSION  
25 AND DISTRIBUTION OF ELECTRICITY, WHETHER THE ELECTRICITY IS  
26 GENERATED IN-STATE OR IMPORTED.

27 2-1203.

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

29 (1) AN INVENTORY OF STATEWIDE GREENHOUSE GAS EMISSIONS  
30 FOR CALENDAR YEAR 2006; AND



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

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

8           **(1) ADOPTED REGULATIONS THAT IMPLEMENT ALL PLAN**  
9 **MEASURES FOR WHICH STATE AGENCIES HAVE EXISTING STATUTORY**  
10 **AUTHORITY; AND**

11           **(2) A SUMMARY OF ANY NEW LEGISLATIVE AUTHORITY NEEDED**  
12 **TO FULLY IMPLEMENT THE PLAN AND A TIMELINE FOR SEEKING LEGISLATIVE**  
13 **AUTHORITY.**

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

17           **(F) (1) UNLESS REQUIRED BY FEDERAL LAW OR REGULATIONS OR**  
18 **EXISTING STATE LAW, REGULATIONS ADOPTED BY STATE AGENCIES TO**  
19 **IMPLEMENT THE FINAL PLAN MAY NOT:**

20                   **(I) REQUIRE GREENHOUSE GAS EMISSIONS REDUCTIONS**  
21 **FROM THE STATE'S MANUFACTURING SECTOR; OR**

22                   **(II) CAUSE A SIGNIFICANT INCREASE IN COSTS TO THE**  
23 **STATE'S MANUFACTURING SECTOR.**

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

27                   **(I) GREENHOUSE GAS EMISSIONS MONITORING,**  
28 **RECORDKEEPING, AND REPORTING REQUIREMENTS FOR WHICH THE**  
29 **DEPARTMENT HAD EXISTING AUTHORITY UNDER § 2-301(A) OF THIS TITLE ON**  
30 **OR BEFORE OCTOBER 1, 2009; OR**

31                   **(II) GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED**  
32 **OF THE MANUFACTURING SECTOR AS A RESULT OF THE STATE'S**  
33 **IMPLEMENTATION OF THE REGIONAL GREENHOUSE GAS INITIATIVE.**

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

6 **2-1206.**

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

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

11 (2) CONSIDER THE IMPACT ON RURAL COMMUNITIES OF ANY  
12 TRANSPORTATION RELATED MEASURES PROPOSED IN THE PLAN;

13 ~~(2)~~ (3) PROVIDE THAT A GREENHOUSE GAS EMISSIONS SOURCE  
14 THAT VOLUNTARILY REDUCES ITS GREENHOUSE GAS EMISSIONS BEFORE THE  
15 IMPLEMENTATION OF THIS SUBTITLE SHALL RECEIVE APPROPRIATE CREDIT  
16 FOR ITS EARLY VOLUNTARY ACTIONS;

17 ~~(3)~~ (4) PROVIDE FOR THE USE OF OFFSET CREDITS  
18 GENERATED BY ALTERNATIVE COMPLIANCE MECHANISMS EXECUTED WITHIN  
19 THE STATE, INCLUDING CARBON SEQUESTRATION PROJECTS, TO ACHIEVE  
20 COMPLIANCE WITH GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED BY  
21 THIS SUBTITLE;

22 ~~(4)~~ (5) ENSURE THAT THE PLAN DOES NOT DECREASE THE  
23 LIKELIHOOD OF RELIABLE AND AFFORDABLE ELECTRICAL SERVICE AND  
24 STATEWIDE FUEL SUPPLIES; ~~AND~~

25 (6) CONSIDER WHETHER THE MEASURES WOULD RESULT IN AN  
26 INCREASE IN ELECTRICITY COSTS TO CONSUMERS IN THE STATE;

27 (7) CONSIDER THE IMPACT OF THE PLAN ON THE ABILITY OF THE  
28 STATE TO:

29 (I) ATTRACT, EXPAND, AND RETAIN COMMERCIAL  
30 AVIATION SERVICES; AND

31 (II) CONSERVE, PROTECT, AND RETAIN AGRICULTURE; AND

32 ~~(5)~~ ~~(7)~~ (8) ENSURE THAT THE GREENHOUSE GAS EMISSIONS  
33 REDUCTION MEASURES IMPLEMENTED IN ACCORDANCE WITH THE PLAN:



1 (I) ARE IMPLEMENTED IN AN EFFICIENT AND  
2 COST-EFFECTIVE MANNER;

3 (II) DO NOT DISPROPORTIONATELY IMPACT RURAL OR  
4 LOW-INCOME, LOW- TO MODERATE-INCOME, OR MINORITY COMMUNITIES OR  
5 ANY OTHER PARTICULAR CLASS OF ELECTRICITY RATEPAYERS;

6 (III) MINIMIZE LEAKAGE;

7 (IV) ARE QUANTIFIABLE, VERIFIABLE, AND ENFORCEABLE;

8 (V) DIRECTLY CAUSE NO LOSS OF EXISTING JOBS IN THE  
9 MANUFACTURING SECTOR;

10 (VI) PRODUCE A NET ECONOMIC BENEFIT TO THE STATE'S  
11 ECONOMY AND A NET INCREASE IN JOBS IN THE STATE; AND

12 (VII) ENCOURAGE NEW EMPLOYMENT OPPORTUNITIES IN  
13 THE STATE RELATED TO ENERGY CONSERVATION, ALTERNATIVE ENERGY  
14 SUPPLY, AND GREENHOUSE GAS EMISSIONS REDUCTION TECHNOLOGIES.

15 **2-1207.**

16 (A) (1) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE  
17 SHALL CONDUCT AN INDEPENDENT STUDY OF THE ECONOMIC IMPACT OF  
18 REQUIRING GREENHOUSE GAS EMISSIONS REDUCTIONS FROM THE STATE'S  
19 MANUFACTURING SECTOR.

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

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

23 (I) LABOR UNIONS;

24 (II) AFFECTED INDUSTRIES AND BUSINESSES;

25 (III) ENVIRONMENTAL ORGANIZATIONS; AND

26 (IV) LOW-INCOME AND MINORITY COMMUNITIES.

27 (4) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO  
28 THE TASK FORCE SHALL REPRESENT THE GEOGRAPHIC, RACIAL, AND GENDER  
29 DIVERSITY OF THE STATE.

1           **(B) ON OR BEFORE OCTOBER 1, 2015, THE INSTITUTION OF HIGHER**  
2 **EDUCATION RESPONSIBLE FOR THE INDEPENDENT STUDY SHALL COMPLETE**  
3 **AND SUBMIT THE STUDY TO THE GOVERNOR AND, IN ACCORDANCE WITH §**  
4 **2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

5 **2-1208.**

6           **(A) A GREENHOUSE GAS EMISSIONS SOURCE IN THE STATE'S**  
7 **MANUFACTURING SECTOR THAT IMPLEMENTS A VOLUNTARY GREENHOUSE GAS**  
8 **EMISSIONS REDUCTION PLAN THAT IS APPROVED BY THE DEPARTMENT ON OR**  
9 **BEFORE JANUARY 1, 2012, MAY BE ELIGIBLE TO RECEIVE VOLUNTARY EARLY**  
10 **ACTION CREDITS UNDER ANY FUTURE STATE LAW REQUIRING GREENHOUSE**  
11 **GAS EMISSIONS REDUCTIONS FROM THE MANUFACTURING SECTOR.**

12           **(B) A VOLUNTARY GREENHOUSE GAS EMISSIONS REDUCTION PLAN MAY**  
13 **INCLUDE MEASURES TO:**

14                   **(1) REDUCE ENERGY USE AND INCREASE PROCESS EFFICIENCY;**  
15 **AND**

16                   **(2) FACILITATE INDUSTRY-WIDE RESEARCH AND DEVELOPMENT**  
17 **DIRECTED TOWARD FUTURE MEASURES TO REDUCE GREENHOUSE GAS**  
18 **EMISSIONS.**

19 **2-1209.**

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

23                   **(1) A SUMMARY OF THE STATE'S PROGRESS TOWARD ACHIEVING**  
24 **THE 2020 EMISSIONS REDUCTION REQUIRED BY THE PLAN UNDER § 2-1205 OF**  
25 **THIS SUBTITLE;**

26                   **(2) AN UPDATE ON EMERGING TECHNOLOGIES TO REDUCE**  
27 **GREENHOUSE GAS EMISSIONS;**

28                   **(3) A REVIEW OF THE BEST AVAILABLE SCIENCE, INCLUDING**  
29 **UPDATES BY THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE,**  
30 **REGARDING THE LEVEL AND PACE OF GREENHOUSE GAS EMISSIONS**  
31 **REDUCTIONS AND SEQUESTRATION NEEDED TO AVOID DANGEROUS**  
32 **ANTHROPOGENIC CHANGES TO THE EARTH'S CLIMATE SYSTEM;**

1           (4) **RECOMMENDATIONS ON THE NEED FOR SCIENCE-BASED**  
2 **ADJUSTMENTS TO THE REQUIREMENT TO REDUCE STATEWIDE GREENHOUSE**  
3 **GAS EMISSIONS BY 25% BY 2020;**

4           (5) **A SUMMARY OF ADDITIONAL OR REVISED REGULATIONS,**  
5 **CONTROL PROGRAMS, OR INCENTIVES THAT ARE NECESSARY TO ACHIEVE THE**  
6 **25% REDUCTION IN STATEWIDE GREENHOUSE GAS EMISSIONS REQUIRED**  
7 **UNDER THIS SUBTITLE, OR A REVISED REDUCTION RECOMMENDED IN**  
8 **ACCORDANCE WITH ITEM (4) OF THIS SUBSECTION;**

9           (6) **THE STATUS OF ANY FEDERAL PROGRAM TO REDUCE**  
10 **GREENHOUSE GAS EMISSIONS AND ANY TRANSITION BY THE STATE FROM ITS**  
11 **PARTICIPATION IN THE REGIONAL GREENHOUSE GAS INITIATIVE TO A**  
12 **COMPARABLE FEDERAL CAP AND TRADE PROGRAM; AND**

13           (7) **AN ANALYSIS OF THE OVERALL ECONOMIC COSTS AND**  
14 **BENEFITS TO THE STATE'S ECONOMY, ENVIRONMENT, AND PUBLIC HEALTH OF**  
15 **A CONTINUATION OR MODIFICATION OF THE REQUIREMENT TO ACHIEVE A**  
16 **REDUCTION OF 25% IN STATEWIDE GREENHOUSE GAS EMISSIONS BY 2020,**  
17 **INCLUDING REDUCTIONS IN OTHER AIR POLLUTANTS, DIVERSIFICATION OF**  
18 **ENERGY SOURCES, THE IMPACT ON EXISTING JOBS, THE CREATION OF NEW**  
19 **JOBS, AND EXPANSION OF THE STATE'S LOW CARBON ECONOMY.**

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

23 **2-1210.**

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

28 **2-1211.**

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

1           **(1) THE REDUCTION IN GREENHOUSE GAS EMISSIONS REQUIRED**  
2 **UNDER THIS SUBTITLE, OR ANY REVISIONS CONDUCTED IN ACCORDANCE WITH §**  
3 **2-1210 OF THIS SUBTITLE; AND**

4           **(2) THE GREENHOUSE GAS EMISSIONS REDUCTIONS NEEDED BY**  
5 **2050 IN ORDER TO AVOID DANGEROUS ANTHROPOGENIC CHANGES TO THE**  
6 **EARTH'S CLIMATE SYSTEM, BASED ON THE PREDOMINANT VIEW OF THE**  
7 **SCIENTIFIC COMMUNITY AT THE TIME OF THE LATEST REPORT.**

8           SECTION 4. AND BE IT FURTHER ENACTED, That during the process  
9 outlined in § 2-1205(a) of the Environment Article, as enacted by Section 3 of this Act,  
10 the Department of the Environment shall include the Department of Agriculture, the  
11 Maryland Farm Bureau, the Maryland Association of Soil Conservation Districts, the  
12 Delmarva Poultry Industry, the Maryland Dairy Industry Association, and the  
13 Maryland Agricultural Commission in discussions on the role to be played by  
14 agriculture to reduce greenhouse gas emissions.

15           SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That if any provision of this  
16 Act or the application thereof to any person or circumstance is held invalid for any  
17 reason in a court of competent jurisdiction, the invalidity does not affect other  
18 provisions or any other application of this Act which can be given effect without the  
19 invalid provision or application, and for this purpose the provisions of this Act are  
20 declared severable.

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

26           SECTION ~~6~~ 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
27 shall take effect October 1, 2009. It shall remain effective for a period of 7 years and 3  
28 months, and at the end of December 31, 2016, with no further action required by the  
29 General Assembly, Section 2 of this Act shall be abrogated and of no further force and  
30 effect.

31           SECTION ~~7~~ 8. AND BE IT FURTHER ENACTED, That, except as provided in  
32 Section ~~6~~ 7 of this Act, this Act shall take effect October 1, 2009.