

# SENATE BILL 278

M3

(9lr0241)

## ENROLLED BILL

—*Education, Health, and Environmental Affairs / Economic Matters and Environmental Matters*—

Introduced by **Senator Pinsky and the President (By Request - Administration)** and **Senators Conway, Currie, Forehand, Frosh, Garagiola, Gladden, Harrington, Kelley, King, Lenett, Madaleno, Middleton, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, ~~and Stone~~ Stone, and Jones**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

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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.

*Italics* indicate opposite chamber / conference committee amendments.



1 public; requiring the Department to convene a series of public workshops for  
 2 comment on the plan; requiring the Department to adopt a final plan in  
 3 accordance with certain requirements on or before a certain date; requiring the  
 4 Department to consult with State and local agencies under certain  
 5 circumstances; prohibiting State agencies from adopting certain regulations;  
 6 requiring the Department to take certain actions as it develops and implements  
 7 the plan in a certain manner; requiring an institution of higher education in the  
 8 State to conduct a certain study and submit it to the Governor and the General  
 9 Assembly on or before a certain date; requiring the Governor to appoint a  
 10 certain task force consisting of certain representatives to oversee the study;  
 11 requiring that, to the extent practicable, the members appointed to the task  
 12 force reflect the geographic, racial, and gender diversity of the State;  
 13 authorizing certain greenhouse gas emissions sources to receive certain credits  
 14 under certain circumstances; requiring the Department to submit a certain  
 15 report to the Governor and the General Assembly in accordance with certain  
 16 requirements on or before a certain date; authorizing the General Assembly to  
 17 maintain, revise, or eliminate certain greenhouse gas emissions reduction  
 18 requirements under certain circumstances; requiring the Department to  
 19 monitor the implementation of a certain plan and to submit certain reports to  
 20 the Governor and the General Assembly on or before certain dates; requiring the  
 21 Department to include certain agencies and entities in certain discussions  
 22 regarding certain matters; defining certain terms; making the provisions of this  
 23 Act severable; providing for the correction of certain errors and obsolete  
 24 provisions by the publishers of the Annotated Code; providing for the  
 25 termination of a certain provision of this Act; and generally relating to the  
 26 reduction of greenhouse gas emissions.

27 BY adding to

28 Article – Environment

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

31 Annotated Code of Maryland

32 (2007 Replacement Volume and 2008 Supplement)

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

35 **Article – Environment**

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

37 **2–1201.**

38 **THE GENERAL ASSEMBLY FINDS THAT:**

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

4           (2)   **GLOBAL WARMING POSES A SERIOUS THREAT TO THE STATE'S**  
5 **FUTURE HEALTH, WELL-BEING, AND PROSPERITY;**

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

10          (4)   **THE STATE HAS THE INGENUITY TO REDUCE THE THREAT OF**  
11 **GLOBAL WARMING AND MAKE GREENHOUSE GAS REDUCTIONS A PART OF THE**  
12 **STATE'S FUTURE BY ACHIEVING A 25% REDUCTION IN GREENHOUSE GAS**  
13 **EMISSIONS FROM 2006 LEVELS BY 2020 AND BY PREPARING A PLAN TO MEET A**  
14 **LONGER-TERM GOAL OF REDUCING GREENHOUSE GAS EMISSIONS BY UP TO**  
15 **90% FROM 2006 LEVELS BY 2050 IN A MANNER THAT PROMOTES NEW "GREEN"**  
16 **JOBS, AND PROTECTS EXISTING JOBS AND THE STATE'S ECONOMIC**  
17 **WELL-BEING;**

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

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

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

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

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

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

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

13 **2-1202.**

14           **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
15 **INDICATED.**

16           **(B) “ALTERNATIVE COMPLIANCE MECHANISM” MEANS AN ACTION**  
17 **AUTHORIZED BY REGULATIONS ADOPTED BY THE DEPARTMENT THAT ACHIEVES**  
18 **THE EQUIVALENT REDUCTION OF GREENHOUSE GAS EMISSIONS OVER THE**  
19 **SAME PERIOD AS A DIRECT EMISSIONS REDUCTION.**

20           **(C) “CARBON DIOXIDE EQUIVALENT” MEANS THE MEASUREMENT OF A**  
21 **GIVEN WEIGHT OF A GREENHOUSE GAS THAT HAS THE SAME GLOBAL WARMING**  
22 **POTENTIAL, MEASURED OVER A SPECIFIED PERIOD OF TIME, AS ONE METRIC**  
23 **TON OF CARBON DIOXIDE.**

24           **(D) “DIRECT EMISSIONS REDUCTION” MEANS A REDUCTION OF**  
25 **GREENHOUSE GAS EMISSIONS FROM A GREENHOUSE GAS EMISSIONS SOURCE.**

26           **(E) “GREENHOUSE GAS” INCLUDES CARBON DIOXIDE, METHANE,**  
27 **NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, AND SULFUR**  
28 **HEXAFLUORIDE.**

29           **(F) “GREENHOUSE GAS EMISSIONS SOURCE” MEANS A SOURCE OR**  
30 **CATEGORY OF SOURCES OF GREENHOUSE GAS EMISSIONS THAT HAVE**  
31 **EMISSIONS OF GREENHOUSE GASES THAT ARE SUBJECT TO REPORTING**  
32 **REQUIREMENTS OR OTHER PROVISIONS OF THIS SUBTITLE, AS DETERMINED BY**  
33 **THE DEPARTMENT.**

1           (G) **“LEAKAGE” MEANS A REDUCTION IN GREENHOUSE GAS EMISSIONS**  
2 **WITHIN THE STATE THAT IS OFFSET BY A CORRESPONDING INCREASE IN**  
3 **GREENHOUSE GAS EMISSIONS FROM A GREENHOUSE GAS EMISSIONS SOURCE**  
4 **LOCATED OUTSIDE THE STATE THAT IS NOT SUBJECT TO A SIMILAR STATE,**  
5 **INTERSTATE, OR REGIONAL GREENHOUSE GAS EMISSIONS CAP OR LIMITATION.**

6           (H) (1) **“MANUFACTURING” MEANS THE PROCESS OF SUBSTANTIALLY**  
7 **TRANSFORMING, OR A SUBSTANTIAL STEP IN THE PROCESS OF SUBSTANTIALLY**  
8 **TRANSFORMING, TANGIBLE PERSONAL PROPERTY INTO A NEW AND DIFFERENT**  
9 **ARTICLE OF TANGIBLE PERSONAL PROPERTY BY THE USE OF LABOR OR**  
10 **MACHINERY.**

11           (2) **“MANUFACTURING”, WHEN PERFORMED BY COMPANIES**  
12 **PRIMARILY ENGAGED IN THE ACTIVITIES DESCRIBED IN PARAGRAPH (1) OF**  
13 **THIS SUBSECTION, INCLUDES:**

14                       (I) **THE OPERATION OF SAW MILLS, GRAIN MILLS, OR FEED**  
15 **MILLS;**

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

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

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

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

22                       (II) **ACTIVITIES THAT ARE INTELLECTUAL, ARTISTIC, OR**  
23 **CLERICAL IN NATURE;**

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

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

28           (I) **“STATEWIDE GREENHOUSE GAS EMISSIONS” MEANS THE TOTAL**  
29 **ANNUAL EMISSIONS OF GREENHOUSE GASES IN THE STATE, MEASURED IN**  
30 **METRIC TONS OF CARBON DIOXIDE EQUIVALENTS, INCLUDING ALL EMISSIONS**  
31 **OF GREENHOUSE GASES FROM THE GENERATION OF ELECTRICITY DELIVERED**  
32 **TO AND CONSUMED IN THE STATE, AND LINE LOSSES FROM THE TRANSMISSION**

1 AND DISTRIBUTION OF ELECTRICITY, WHETHER THE ELECTRICITY IS  
2 GENERATED IN-STATE OR IMPORTED.

3 **2-1203.**

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

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

7 (2) BASED ON EXISTING GREENHOUSE GAS EMISSIONS CONTROL  
8 MEASURES, A PROJECTED "BUSINESS AS USUAL" INVENTORY FOR CALENDAR  
9 YEAR 2020.

10 (B) THE DEPARTMENT SHALL REVIEW AND PUBLISH AN UPDATED  
11 STATEWIDE GREENHOUSE GAS EMISSIONS INVENTORY FOR CALENDAR YEAR  
12 2011 AND FOR EVERY THIRD CALENDAR YEAR THEREAFTER.

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

15 **Article - Environment**

16 **2-1204.**

17 **THE STATE SHALL REDUCE STATEWIDE GREENHOUSE GAS EMISSIONS BY**  
18 **25% FROM 2006 LEVELS BY 2020.**

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

21 **Article - Environment**

22 **2-1205.**

23 (A) THE STATE SHALL DEVELOP A PLAN, ADOPT REGULATIONS, AND  
24 IMPLEMENT PROGRAMS THAT REDUCE STATEWIDE GREENHOUSE GAS  
25 EMISSIONS IN ACCORDANCE WITH THIS SUBTITLE.

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

27 (1) SUBMIT A PROPOSED PLAN TO THE GOVERNOR AND GENERAL  
28 ASSEMBLY;

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

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

4           **(C) (1) THE DEPARTMENT SHALL, ON OR BEFORE DECEMBER 31,**  
5 **2012, ADOPT A FINAL PLAN THAT REDUCES STATEWIDE GREENHOUSE GAS**  
6 **EMISSIONS BY 25% FROM 2006 LEVELS BY 2020.**

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

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

14           **(1) ADOPTED REGULATIONS THAT IMPLEMENT ALL PLAN**  
15 **MEASURES FOR WHICH STATE AGENCIES HAVE EXISTING STATUTORY**  
16 **AUTHORITY; AND**

17           **(2) A SUMMARY OF ANY NEW LEGISLATIVE AUTHORITY NEEDED**  
18 **TO FULLY IMPLEMENT THE PLAN AND A TIMELINE FOR SEEKING LEGISLATIVE**  
19 **AUTHORITY.**

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

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

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

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

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

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

5 (II) GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED  
6 OF THE MANUFACTURING SECTOR AS A RESULT OF THE STATE'S  
7 IMPLEMENTATION OF THE REGIONAL GREENHOUSE GAS INITIATIVE.

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

13 2-1206.

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

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

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

20 ~~(2)~~ (3) PROVIDE THAT A GREENHOUSE GAS EMISSIONS SOURCE  
21 THAT VOLUNTARILY REDUCES ITS GREENHOUSE GAS EMISSIONS BEFORE THE  
22 IMPLEMENTATION OF THIS SUBTITLE SHALL RECEIVE APPROPRIATE CREDIT  
23 FOR ITS EARLY VOLUNTARY ACTIONS;

24 ~~(3)~~ (4) PROVIDE FOR THE USE OF OFFSET CREDITS  
25 GENERATED BY ALTERNATIVE COMPLIANCE MECHANISMS EXECUTED WITHIN  
26 THE STATE, INCLUDING CARBON SEQUESTRATION PROJECTS, TO ACHIEVE  
27 COMPLIANCE WITH GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED BY  
28 THIS SUBTITLE;

29 ~~(4)~~ (5) ENSURE THAT THE PLAN DOES NOT DECREASE THE  
30 LIKELIHOOD OF RELIABLE AND AFFORDABLE ELECTRICAL SERVICE AND  
31 STATEWIDE FUEL SUPPLIES; ~~AND~~

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



1                   **(7) CONSIDER THE IMPACT OF THE PLAN ON THE ABILITY OF THE**  
2 **STATE TO:**

3                   **(I) ATTRACT, EXPAND, AND RETAIN COMMERCIAL AVIATION**  
4 **SERVICES; AND**

5                   **(II) CONSERVE, PROTECT, AND RETAIN AGRICULTURE; AND**

6                   **(5) (6) (8) ENSURE THAT THE GREENHOUSE GAS EMISSIONS**  
7 **REDUCTION MEASURES IMPLEMENTED IN ACCORDANCE WITH THE PLAN:**

8                   **(I) ARE IMPLEMENTED IN AN EFFICIENT AND**  
9 **COST-EFFECTIVE MANNER;**

10                   **(II) DO NOT DISPROPORTIONATELY IMPACT RURAL OR**  
11 **LOW-INCOME, LOW- TO MODERATE-INCOME, OR MINORITY COMMUNITIES OR**  
12 **ANY OTHER PARTICULAR CLASS OF ELECTRICITY RATEPAYERS;**

13                   **(III) MINIMIZE LEAKAGE;**

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

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

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

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

22 **2-1207.**

23                   **(A) (1) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE**  
24 **SHALL CONDUCT AN INDEPENDENT STUDY OF THE ECONOMIC IMPACT OF**  
25 **REQUIRING GREENHOUSE GAS EMISSIONS REDUCTIONS FROM THE STATE'S**  
26 **MANUFACTURING SECTOR.**

27                   **(2) THE GOVERNOR SHALL APPOINT A TASK FORCE TO OVERSEE**  
28 **THE INDEPENDENT STUDY REQUIRED BY THIS SECTION.**

29                   **(3) THE TASK FORCE SHALL INCLUDE REPRESENTATIVES OF:**

- 1 (I) LABOR UNIONS;
- 2 (II) AFFECTED INDUSTRIES AND BUSINESSES;
- 3 (III) ENVIRONMENTAL ORGANIZATIONS; AND
- 4 (IV) LOW-INCOME AND MINORITY COMMUNITIES.

5 (4) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO  
6 THE TASK FORCE SHALL REFLECT THE GEOGRAPHIC, RACIAL, AND GENDER  
7 DIVERSITY OF THE STATE.

8 (B) ON OR BEFORE OCTOBER 1, 2015, THE INSTITUTION OF HIGHER  
9 EDUCATION RESPONSIBLE FOR THE INDEPENDENT STUDY SHALL COMPLETE  
10 AND SUBMIT THE STUDY TO THE GOVERNOR AND, IN ACCORDANCE WITH §  
11 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

12 2-1208.

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

19 (B) A VOLUNTARY GREENHOUSE GAS EMISSIONS REDUCTION PLAN MAY  
20 INCLUDE MEASURES TO:

21 (1) REDUCE ENERGY USE AND INCREASE PROCESS EFFICIENCY;  
22 AND

23 (2) FACILITATE INDUSTRY-WIDE RESEARCH AND DEVELOPMENT  
24 DIRECTED TOWARD FUTURE MEASURES TO REDUCE GREENHOUSE GAS  
25 EMISSIONS.

26 2-1209.

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

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

4           (2) AN UPDATE ON EMERGING TECHNOLOGIES TO REDUCE  
5 GREENHOUSE GAS EMISSIONS;

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

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

14           (5) A SUMMARY OF ADDITIONAL OR REVISED REGULATIONS,  
15 CONTROL PROGRAMS, OR INCENTIVES THAT ARE NECESSARY TO ACHIEVE THE  
16 25% REDUCTION IN STATEWIDE GREENHOUSE GAS EMISSIONS REQUIRED  
17 UNDER THIS SUBTITLE, OR A REVISED REDUCTION RECOMMENDED IN  
18 ACCORDANCE WITH ITEM (4) OF THIS SUBSECTION;

19           (6) THE STATUS OF ANY FEDERAL PROGRAM TO REDUCE  
20 GREENHOUSE GAS EMISSIONS AND ANY TRANSITION BY THE STATE FROM ITS  
21 PARTICIPATION IN THE REGIONAL GREENHOUSE GAS INITIATIVE TO A  
22 COMPARABLE FEDERAL CAP AND TRADE PROGRAM; AND

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

30           (B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION  
31 SHALL BE SUBJECT TO A PUBLIC COMMENT AND HEARING PROCESS  
32 CONDUCTED BY THE DEPARTMENT.

33 **2-1210.**

34           ON REVIEW OF THE STUDY REQUIRED UNDER § 2-1207 OF THIS SUBTITLE,  
35 AND THE REPORT REQUIRED UNDER § 2-1209 OF THIS SUBTITLE, THE GENERAL

1 ASSEMBLY MAY ACT TO MAINTAIN, REVISE, OR ELIMINATE THE 25%  
2 GREENHOUSE GAS EMISSIONS REDUCTION REQUIRED UNDER THIS SUBTITLE.

3 **2-1211.**

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

10 (1) THE REDUCTION IN GREENHOUSE GAS EMISSIONS REQUIRED  
11 UNDER THIS SUBTITLE, OR ANY REVISIONS CONDUCTED IN ACCORDANCE WITH §  
12 2-1210 OF THIS SUBTITLE; AND

13 (2) THE GREENHOUSE GAS EMISSIONS REDUCTIONS NEEDED BY  
14 2050 IN ORDER TO AVOID DANGEROUS ANTHROPOGENIC CHANGES TO THE  
15 EARTH'S CLIMATE SYSTEM, BASED ON THE PREDOMINANT VIEW OF THE  
16 SCIENTIFIC COMMUNITY AT THE TIME OF THE LATEST REPORT.

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

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

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

35 SECTION ~~6~~ 7. AND BE IT FURTHER ENACTED, That Section 2 of this Act  
36 shall take effect October 1, 2009. It shall remain effective for a period of 7 years and 3  
37 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~~ 8. AND BE IT FURTHER ENACTED, That, except as provided in  
4 Section ~~6~~ 7 of this Act, this Act shall take effect October 1, 2009.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.