

# SENATE BILL 278

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CF HB 315

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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**

Introduced and read first time: January 23, 2009

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: February 26, 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 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; requiring that, to the extent  
20 practicable, the members appointed to the task force reflect the geographic,  
21 racial, and gender diversity of the State; authorizing certain greenhouse gas  
22 emissions sources to receive certain credits under certain circumstances;  
23 requiring the Department to submit a certain report to the Governor and 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 General Assembly in accordance with certain requirements on or before a  
2 certain date; authorizing the General Assembly to maintain, revise, or eliminate  
3 certain greenhouse gas emissions reduction requirements under certain  
4 circumstances; requiring the Department to monitor the implementation of a  
5 certain plan and to submit certain reports to the Governor and the General  
6 Assembly on or before certain dates; defining certain terms; making the  
7 provisions of this Act severable; providing for the correction of certain errors  
8 and obsolete provisions by the publishers of the Annotated Code; providing for  
9 the termination of a certain provision of this Act; and generally relating to the  
10 reduction of greenhouse gas emissions.

11 BY adding to  
12 Article – Environment  
13 Section 2–1201 through 2–1211 to be under the new subtitle “Subtitle 12.  
14 Greenhouse Gas Emissions Reductions”  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2008 Supplement)

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

19 **Article – Environment**

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

21 **2–1201.**

22 **THE GENERAL ASSEMBLY FINDS THAT:**

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

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

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

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

1 **90% FROM 2006 LEVELS BY 2050 IN A MANNER THAT PROMOTES NEW “GREEN”**  
2 **JOBS, AND PROTECTS EXISTING JOBS AND THE STATE’S ECONOMIC**  
3 **WELL-BEING;**

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

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

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

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

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

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

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

36 **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.

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

1 **Article - Environment**2 **2-1204.**

3 **THE STATE SHALL REDUCE STATEWIDE GREENHOUSE GAS EMISSIONS BY**  
4 **25% FROM 2006 LEVELS BY 2020.**

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

7 **Article - Environment**8 **2-1205.**

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

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

13 (1) **SUBMIT A PROPOSED PLAN TO THE GOVERNOR AND GENERAL**  
14 **ASSEMBLY;**

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

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

19 (C) (1) **THE DEPARTMENT SHALL, ON OR BEFORE DECEMBER 31,**  
20 **2012, ADOPT A FINAL PLAN THAT REDUCES STATEWIDE GREENHOUSE GAS**  
21 **EMISSIONS BY 25% FROM 2006 LEVELS BY 2020.**

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

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

29 (1) **ADOPTED REGULATIONS THAT IMPLEMENT ALL PLAN**  
30 **MEASURES FOR WHICH STATE AGENCIES HAVE EXISTING STATUTORY**  
31 **AUTHORITY; AND**

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

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

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

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

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

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

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

21                   **(II) GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED**  
22 **OF THE MANUFACTURING SECTOR AS A RESULT OF THE STATE'S**  
23 **IMPLEMENTATION OF THE REGIONAL GREENHOUSE GAS INITIATIVE.**

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

29 **2-1206.**

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

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

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

3           ~~(2)~~ **(3) PROVIDE THAT A GREENHOUSE GAS EMISSIONS SOURCE**  
4 **THAT VOLUNTARILY REDUCES ITS GREENHOUSE GAS EMISSIONS BEFORE THE**  
5 **IMPLEMENTATION OF THIS SUBTITLE SHALL RECEIVE APPROPRIATE CREDIT**  
6 **FOR ITS EARLY VOLUNTARY ACTIONS;**

7           ~~(3)~~ **(4) PROVIDE FOR THE USE OF OFFSET CREDITS**  
8 **GENERATED BY ALTERNATIVE COMPLIANCE MECHANISMS EXECUTED WITHIN**  
9 **THE STATE, INCLUDING CARBON SEQUESTRATION PROJECTS, TO ACHIEVE**  
10 **COMPLIANCE WITH GREENHOUSE GAS EMISSIONS REDUCTIONS REQUIRED BY**  
11 **THIS SUBTITLE;**

12           ~~(4)~~ **(5) ENSURE THAT THE PLAN DOES NOT DECREASE THE**  
13 **LIKELIHOOD OF RELIABLE AND AFFORDABLE ELECTRICAL SERVICE AND**  
14 **STATEWIDE FUEL SUPPLIES; AND**

15           ~~(5)~~ **(6) ENSURE THAT THE GREENHOUSE GAS EMISSIONS**  
16 **REDUCTION MEASURES IMPLEMENTED IN ACCORDANCE WITH THE PLAN:**

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

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

22                   **(III) MINIMIZE LEAKAGE;**

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

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

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

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



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

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

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

8                   (I) LABOR UNIONS;

9                   (II) AFFECTED INDUSTRIES AND BUSINESSES;

10                  (III) ENVIRONMENTAL ORGANIZATIONS; AND

11                  (IV) LOW-INCOME AND MINORITY COMMUNITIES.

12           (4) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO  
13 THE TASK FORCE SHALL REFLECT THE GEOGRAPHIC, RACIAL, AND GENDER  
14 DIVERSITY OF THE STATE.

15           (B) ON OR BEFORE OCTOBER 1, 2015, THE INSTITUTION OF HIGHER  
16 EDUCATION RESPONSIBLE FOR THE INDEPENDENT STUDY SHALL COMPLETE  
17 AND SUBMIT THE STUDY TO THE GOVERNOR AND, IN ACCORDANCE WITH §  
18 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

19 2-1208.

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

26           (B) A VOLUNTARY GREENHOUSE GAS EMISSIONS REDUCTION PLAN MAY  
27 INCLUDE MEASURES TO:

28                   (1) REDUCE ENERGY USE AND INCREASE PROCESS EFFICIENCY;  
29 AND

30                   (2) FACILITATE INDUSTRY-WIDE RESEARCH AND DEVELOPMENT  
31 DIRECTED TOWARD FUTURE MEASURES TO REDUCE GREENHOUSE GAS  
32 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.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.