

Chapter 11

(Senate Bill 323)

AN ACT concerning

Greenhouse Gas Emissions Reduction Act – Reauthorization

FOR the purpose of repealing the termination date for a certain provision of law requiring the State to reduce statewide greenhouse gas emissions by a certain amount by a certain date; requiring the State to reduce statewide greenhouse gas emissions by a certain amount by a certain date; requiring the Department of the Environment to submit a proposed plan in accordance with certain requirements to the Governor and the General Assembly on or before a certain date; requiring the Department to adopt a final plan in accordance with certain requirements on or before a certain date; requiring an institution of higher education in the State to conduct a certain study in accordance with certain requirements and submit the study to the Governor and the General Assembly on or before a certain date; authorizing the General Assembly to maintain, revise, or eliminate certain statewide greenhouse gas emissions reduction requirements under certain circumstances; requiring the General Assembly to consider whether to continue certain manufacturing provisions under certain circumstances; altering the date by which the Department must monitor the implementation of certain plans and submit certain reports to the Governor and the General Assembly on or before certain dates; requiring the Department to include certain agencies and entities in certain discussions regarding certain matters; making the provisions of this Act severable; providing for the termination of a certain provision of this Act; and generally relating to the reduction of statewide greenhouse gas emissions.

BY repealing and reenacting, with amendments,
Chapter 171 of the Acts of the General Assembly of 2009
Section 7

BY repealing and reenacting, with amendments,
Chapter 172 of the Acts of the General Assembly of 2009
Section 7

BY repealing and reenacting, without amendments,
Article – Environment
Section 2–1204
Annotated Code of Maryland
(2013 Replacement Volume and 2015 Supplement)

BY adding to
Article – Environment
Section 2–1204.1
Annotated Code of Maryland

(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–1205, 2–1206, 2–1207, 2–1210, and 2–1211
Annotated Code of Maryland
(2013 Replacement Volume and 2015 Supplement)

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

Chapter 171 of the Acts of 2009

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

Chapter 172 of the Acts of 2009

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

Article – Environment

2–1204.

The State shall reduce statewide greenhouse gas emissions by 25% from 2006 levels by 2020.

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

Article – Environment

2–1204.1.

THE STATE SHALL REDUCE STATEWIDE GREENHOUSE GAS EMISSIONS BY 40% FROM 2006 LEVELS BY 2030.

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

Article – Environment

2–1205.

(a) The State shall develop [a plan] **PLANS**, adopt regulations, and implement programs that reduce statewide greenhouse gas emissions in accordance with this subtitle.

(b) On or before December 31, [2011] **2018**, the Department shall:

(1) Submit a proposed plan **THAT REDUCES STATEWIDE GREENHOUSE GAS EMISSIONS BY 40% FROM 2006 LEVELS BY 2030** to the Governor and General Assembly;

(2) Make the proposed plan available to the public; and

(3) Convene a series of public workshops to provide interested parties with an opportunity to comment on the proposed plan.

(c) (1) The Department shall, on or before December 31, 2012, adopt a final plan that reduces statewide greenhouse gas emissions by 25% from 2006 levels by 2020.

(2) THE DEPARTMENT SHALL, ON OR BEFORE DECEMBER 31, 2019, ADOPT A FINAL PLAN THAT REDUCES STATEWIDE GREENHOUSE GAS EMISSIONS BY 40% FROM 2006 LEVELS BY 2030.

[(2)] (3) The [plan] **PLANS** shall be developed [as the initial State action] in recognition of the finding by the Intergovernmental Panel on Climate Change that developed countries will need to reduce greenhouse gas emissions by between 80% and 95% from 1990 levels by 2050.

(d) The final [plan] **PLANS** required under subsection (c) of this section shall include:

(1) Adopted regulations that implement all plan measures for which State agencies have existing statutory authority; and

(2) A summary of any new legislative authority needed to fully implement the [plan] **PLANS** and a timeline for seeking legislative authority.

(e) In developing and adopting a final plan to reduce statewide greenhouse gas emissions, the Department shall consult with State and local agencies as appropriate.

(f) (1) Unless required by federal law or regulations or existing State law, regulations adopted by State agencies to implement [the] **A** final plan may not:

(i) Require greenhouse gas emissions reductions from the State's manufacturing sector; or

(ii) Cause a significant increase in costs to the State's manufacturing sector.

(2) Paragraph (1) of this subsection may not be construed to exempt greenhouse gas emissions sources in the State's manufacturing sector from the obligation to comply with:

(i) Greenhouse gas emissions monitoring, recordkeeping, and reporting requirements for which the Department had existing authority under § 2-301(a) of this title on or before October 1, 2009; or

(ii) Greenhouse gas emissions reductions required of the manufacturing sector as a result of the State's implementation of the Regional Greenhouse Gas Initiative.

(g) A regulation adopted by a State agency for the purpose of reducing greenhouse gas emissions in accordance with this section may not be construed to result in a significant increase in costs to the State's manufacturing sector unless the source would not incur the cost increase but for the new regulation.

2-1206.

In developing and implementing the [plan] PLANS required by § 2-1205 of this subtitle, the Department shall:

(1) Analyze the feasibility of measures to comply with the greenhouse gas emissions reductions required by this subtitle;

(2) Consider the impact on rural communities of any transportation related measures proposed in the [plan] PLANS;

(3) Provide that a greenhouse gas emissions source that voluntarily reduces its greenhouse gas emissions before the implementation of this subtitle shall receive appropriate credit for its early voluntary actions;

(4) Provide for the use of offset credits generated by alternative compliance mechanisms executed within the State, including carbon sequestration projects, to achieve compliance with greenhouse gas emissions reductions required by this subtitle;

(5) Ensure that the [plan does] PLANS DO not decrease the likelihood of reliable and affordable electrical service and statewide fuel supplies;

(6) Consider whether the measures would result in an increase in electricity costs to consumers in the State;

(7) Consider the impact of the [plan] **PLANS** on the ability of the State to:

(i) Attract, expand, and retain commercial aviation services; and

(ii) Conserve, protect, and retain agriculture; and

(8) Ensure that the greenhouse gas emissions reduction measures implemented in accordance with the [plan] **PLANS**:

(i) Are implemented in an efficient and cost-effective manner;

(ii) Do not disproportionately impact rural or low-income, low- to moderate-income, or minority communities or any other particular class of electricity ratepayers;

(iii) Minimize leakage;

(iv) Are quantifiable, verifiable, and enforceable;

(v) Directly cause no loss of existing jobs in the manufacturing sector;

(vi) Produce a net economic benefit to the State's economy and a net increase in jobs in the State; and

(vii) Encourage new employment opportunities in the State related to energy conservation, alternative energy supply, and greenhouse gas emissions reduction technologies.

2-1207.

(a) (1) An institution of higher education in the State shall conduct an independent study of the economic impact of requiring greenhouse gas emissions reductions from the State's manufacturing sector.

(2) The [Governor shall appoint a task force to] **MARYLAND COMMISSION ON CLIMATE CHANGE SHALL** oversee the independent study required by this section.

[(3) The task force shall include representatives of:

(i) Labor unions;

- (ii) Affected industries and businesses;
- (iii) Environmental organizations; and
- (iv) Low-income and minority communities.

(4) To the extent practicable, the members appointed to the task force shall reflect the geographic, racial, and gender diversity of the State.]

(b) On or before October 1, [2015] **2022**, the institution of higher education responsible for the independent study shall complete and submit the study to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

2-1210.

On review of the study required under § 2-1207 of this subtitle, and the ~~report~~ **REPORTS** required under § ~~2-1209~~ **2-1211** of this subtitle, the General Assembly [may]:

(1) MAY act to maintain, revise, or eliminate the [25%] **40%** greenhouse gas emissions reduction required under § **2-1204.1** OF this subtitle; **AND**

(2) SHALL CONSIDER WHETHER TO CONTINUE THE SPECIAL MANUFACTURING PROVISIONS IN § 2-1205(F)(1) OF THIS SUBTITLE.

2-1211.

The Department shall monitor implementation of the [plan] **PLANS** required under § 2-1205 of this subtitle and shall submit a report, on or before October 1, [2020] **2022**, and every 5 years thereafter, to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly that describes the State's progress toward achieving:

(1) The [reduction] **REDUCTIONS** in greenhouse gas emissions required under this subtitle, or any revisions conducted in accordance with § 2-1210 of this subtitle; and

(2) The greenhouse gas emissions reductions needed by 2050 in order to avoid dangerous anthropogenic changes to the Earth's climate system, based on the predominant view of the scientific community at the time of the latest report.

SECTION 4. AND BE IT FURTHER ENACTED, That during the process outlined in § 2-1205(a) of the Environment Article, as enacted by Section 3 of this Act, the Department of the Environment shall include the Department of Agriculture, the Maryland Farm Bureau, the Maryland Association of Soil Conservation Districts, the Delmarva Poultry Industry, the Maryland Dairy Industry Association, and the Maryland Agricultural

Commission in discussions on the role to be played by agriculture to reduce greenhouse gas emissions.

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

SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2016. It shall remain effective for a period of 7 years and 3 months and at, the end of December 31, 2023, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section 6 of this Act, this Act shall take effect October 1, 2016.

Approved by the Governor, April 4, 2016.