

# SENATE BILL 835

F2, M3

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CF HB 803

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By: **Senator Rosapepe**

Introduced and read first time: February 9, 2021

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Facilitating University Transformations by Unifying Reductions in Emissions**  
3 **(FUTURE) Act**

4 FOR the purpose of requiring each public senior higher education institution to be carbon  
5 neutral for certain emissions on or before certain dates; specifying certain  
6 requirements that a certain public senior higher education institution must meet in  
7 order to achieve the carbon neutral requirements under this Act; authorizing a  
8 certain public senior higher education institution to use carbon offsets that do not  
9 meet the requirements of this Act under certain circumstances; requiring that  
10 certain carbon offsets be verified by certain methods; requiring each public senior  
11 higher education institution to designate, on or before a certain date, a certain  
12 individual to implement and monitor the institution's progress with and adherence  
13 to the requirements of this Act; requiring that certain individuals and a certain office  
14 report directly to a public senior higher education institution's president or  
15 equivalent head of the institution; requiring a public senior higher education  
16 institution to create and fill, on or before a certain date, a certain position under  
17 certain circumstances; requiring each public senior higher education institution to  
18 report on certain matters to certain committees of the General Assembly on or before  
19 a certain date each year; defining certain terms; and generally relating to public  
20 senior higher education institutions and carbon neutrality.

21 BY repealing and reenacting, without amendments,  
22 Article – Education  
23 Section 10–101(a) and (m)  
24 Annotated Code of Maryland  
25 (2018 Replacement Volume and 2020 Supplement)

26 BY adding to  
27 Article – Education  
28 Section 15–126  
29 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2018 Replacement Volume and 2020 Supplement)

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

**Article – Education**

10–101.

(a) In this division the following words have the meanings indicated.

(m) “Public senior higher education institution” means:

(1) The constituent institutions of the University System of Maryland and the University of Maryland Center for Environmental Science;

(2) Morgan State University; and

(3) St. Mary’s College of Maryland.

**15–126.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “CARBON NEUTRAL” OR “CARBON NEUTRALITY” MEANS ACHIEVING NET-ZERO CARBON EMISSIONS BY BALANCING CARBON DIOXIDE EMISSIONS WITH THE REMOVAL OF CARBON DIOXIDE EMISSIONS FROM THE ATMOSPHERE.**

**(3) “ENVIRONMENTAL JUSTICE OFFSET PROJECT” MEANS A CARBON OFFSET PROJECT THAT:**

**(i) IS LOCATED IN THE UNITED STATES;**

**(ii) 1. FOR IN-STATE PROJECTS, DIRECTLY BENEFITS A COMMUNITY THAT SCORES A 0.51 OR HIGHER ON THE MARYLAND ENVIRONMENTAL JUSTICE SCREEN TOOL; OR**

**2. FOR OUT-OF-STATE PROJECTS, DIRECTLY BENEFITS A COMMUNITY THAT SCORES IN THE 50TH PERCENTILE OR HIGHER ON THE U.S. ENVIRONMENTAL PROTECTION AGENCY’S ENVIRONMENTAL JUSTICE SCREENING AND MAPPING TOOL;**

**(iii) IS DEVELOPED IN PARTNERSHIP WITH LOCAL**

1 ORGANIZATIONS LOCATED OR PRIMARILY WORKING IN THE COMMUNITY IN WHICH  
2 THE PROJECT WILL OCCUR;

3 (IV) FOLLOWS BEST PRACTICES FOR CARBON OFFSETS; AND

4 (V) MEETS THE REQUIREMENTS OF THIS SECTION.

5 (4) (I) "SCOPE 1 DIRECT EMISSIONS" MEANS EMISSIONS  
6 PHYSICALLY PRODUCED AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION  
7 CAMPUS.

8 (II) "SCOPE 1 DIRECT EMISSIONS" INCLUDES EMISSIONS FROM:

9 1. BOILERS;

10 2. CENTRAL HEATING PLANTS;

11 3. POWER PLANTS LOCATED ON A PUBLIC SENIOR  
12 HIGHER EDUCATION INSTITUTION CAMPUS;

13 4. VEHICLES OWNED BY A PUBLIC SENIOR HIGHER  
14 EDUCATION INSTITUTION;

15 5. REFRIGERANTS AND CHEMICALS; AND

16 6. AGRICULTURAL SOURCES.

17 (5) (I) "SCOPE 2 INDIRECT EMISSIONS" MEANS INDIRECT  
18 EMISSIONS RESULTING FROM ACTIVITIES:

19 1. AFFILIATED WITH A PUBLIC SENIOR HIGHER  
20 EDUCATION INSTITUTION; AND

21 2. THAT TAKE PLACE AT A SITE THAT IS NOT OWNED OR  
22 CONTROLLED BY THE INSTITUTION.

23 (II) "SCOPE 2 INDIRECT EMISSIONS" INCLUDES EMISSIONS  
24 THAT ARE:

25 1. ASSOCIATED WITH PURCHASES MADE BY A PUBLIC  
26 SENIOR HIGHER EDUCATION INSTITUTION;

27 2. NOT PRODUCED ON THE CAMPUS OF THE

1 INSTITUTION; AND

2 3. PRODUCED BY THE BURNING OF FOSSIL FUELS.

3 (6) (I) "SCOPE 3 INDUCED EMISSIONS" MEANS EMISSIONS  
4 PRODUCED BY SOURCES THAT:

5 1. ARE CENTRAL TO A PUBLIC SENIOR HIGHER  
6 EDUCATION INSTITUTION'S OPERATIONS AND ACTIVITIES; AND

7 2. ARE NOT OWNED OR CONTROLLED BY THE  
8 INSTITUTION.

9 (II) "SCOPE 3 INDUCED EMISSIONS" INCLUDES EMISSIONS  
10 FROM:

11 1. AIR TRAVEL FOR OFFICIAL PUBLIC SENIOR HIGHER  
12 EDUCATION INSTITUTION BUSINESS;

13 2. TRAVEL THAT IS DIRECTLY FINANCED BY A PUBLIC  
14 SENIOR HIGHER EDUCATION INSTITUTION;

15 3. TRAVEL ASSOCIATED WITH AN INSTITUTION'S STUDY  
16 ABROAD PROGRAM;

17 4. AN INSTITUTION'S FACULTY, STAFF, AND STUDENTS  
18 COMMUTE TO AND FROM THE INSTITUTION;

19 5. AN INSTITUTION'S SOLID WASTE; AND

20 6. AN INSTITUTION'S WASTEWATER.

21 (B) (1) ON OR BEFORE JANUARY 1, 2025, EACH PUBLIC SENIOR HIGHER  
22 EDUCATION INSTITUTION SHALL BE CARBON NEUTRAL FOR SCOPE 1 DIRECT  
23 EMISSIONS AND SCOPE 2 INDIRECT EMISSIONS.

24 (2) ON OR BEFORE JANUARY 1, 2035, EACH PUBLIC SENIOR HIGHER  
25 EDUCATION INSTITUTION SHALL BE CARBON NEUTRAL FOR SCOPE 3 INDUCED  
26 EMISSIONS.

27 (3) METHODS FOR ACHIEVING CARBON NEUTRALITY UNDER  
28 PARAGRAPHS (1) AND (2) OF THIS SUBSECTION INCLUDE:

1                   **(I) INCREASING A PUBLIC SENIOR HIGHER EDUCATION**  
2 **INSTITUTION’S ENERGY EFFICIENCY;**

3                   **(II) TRANSITIONING THE INSTITUTION’S VEHICLES TO**  
4 **ELECTRIC VEHICLES;**

5                   **(III) A COMMITMENT TO NET-ZERO BUILDING EMISSIONS FROM**  
6 **THE INSTITUTION;**

7                   **(IV) TRANSITIONING THE INSTITUTION TO RENEWABLE**  
8 **ENERGY; AND**

9                   **(V) SUBJECT TO SUBSECTION (C) OF THIS SECTION, CARBON**  
10 **OFFSETS.**

11           **(C) (1) SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION,**  
12 **A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT USES CARBON OFFSETS**  
13 **TO MEET THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION MUST MEET**  
14 **THE FOLLOWING OFFSET REQUIREMENTS:**

15                   **(I) FROM 2025 THROUGH 2034, INCLUSIVE, 5% OF THE PUBLIC**  
16 **INSTITUTION’S CARBON OFFSETS MUST BE ACHIEVED IN MARYLAND, IN THE**  
17 **CHESAPEAKE BAY WATERSHED, OR THROUGH AN ENVIRONMENTAL JUSTICE**  
18 **OFFSET PROJECT;**

19                   **(II) FROM 2035 THROUGH 2044, INCLUSIVE, 25% OF THE**  
20 **PUBLIC INSTITUTION’S CARBON OFFSETS MUST BE ACHIEVED IN MARYLAND, IN THE**  
21 **CHESAPEAKE BAY WATERSHED, OR THROUGH AN ENVIRONMENTAL JUSTICE**  
22 **OFFSET PROJECT;**

23                   **(III) FROM 2045 THROUGH 2054, INCLUSIVE, 50% OF THE**  
24 **PUBLIC INSTITUTION’S CARBON OFFSETS MUST BE ACHIEVED IN MARYLAND, IN THE**  
25 **CHESAPEAKE BAY WATERSHED, OR THROUGH AN ENVIRONMENTAL JUSTICE**  
26 **OFFSET PROJECT; AND**

27                   **(IV) FROM 2055 AND EACH YEAR THEREAFTER, 75% OF THE**  
28 **PUBLIC INSTITUTION’S CARBON OFFSETS MUST BE ACHIEVED IN MARYLAND, IN THE**  
29 **CHESAPEAKE BAY WATERSHED, OR THROUGH AN ENVIRONMENTAL JUSTICE**  
30 **OFFSET PROJECT.**

31                   **(2) BY 2035, 10% OF EACH CARBON OFFSET PROJECT MUST BE**  
32 **DESIGNED TO BENEFIT A COMMUNITY THAT SCORES A 0.51 OR HIGHER ON THE**  
33 **MARYLAND ENVIRONMENTAL JUSTICE SCREEN TOOL.**

1           **(3) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT USES**  
2 **CARBON OFFSETS TO MEET THE REQUIREMENTS OF THIS SECTION MAY USE**  
3 **OFFSETS THAT DO NOT MEET THE REQUIREMENTS UNDER PARAGRAPHS (1) AND (2)**  
4 **OF THIS SUBSECTION IF:**

5           **(I) THE PUBLIC INSTITUTION, IN CONSULTATION WITH THE**  
6 **DEPARTMENT OF GENERAL SERVICES, DETERMINES THAT THE INSTITUTION**  
7 **CANNOT REASONABLY MEET THE REQUIREMENTS OF THIS SECTION; AND**

8           **(II) THE PUBLIC INSTITUTION'S STUDENT GOVERNMENT**  
9 **ASSOCIATION APPOINTS STUDENTS WHO WILL WORK WITH THE INDIVIDUAL**  
10 **RESPONSIBLE FOR MAKING ENERGY AND OFFSET PURCHASE DECISIONS FOR THE**  
11 **INSTITUTION TO REVIEW AND APPROVE THE CARBON OFFSETS THE INSTITUTION**  
12 **WILL USE IN LIEU OF CARBON OFFSETS THAT MEET THE REQUIREMENTS UNDER**  
13 **PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.**

14           **(4) EACH CARBON OFFSET USED TO MEET THE REQUIREMENTS OF**  
15 **THIS SECTION MUST BE VERIFIED BY ONE OF THE FOLLOWING METHODS:**

16           **(I) GOLD STANDARD FOR THE GLOBAL GOALS;**

17           **(II) VERRA'S VERIFIED CARBON STANDARD;**

18           **(III) PEER REVIEW; OR**

19           **(IV) ANY OTHER CARBON OFFSET ACCOUNTING METHODOLOGY**

20 **THAT:**

21           **1. IS APPROVED BY THE STATE; AND**

22           **2. INCLUDES ADDITIONALITY STANDARDS.**

23           **(D) (1) (I) ON OR BEFORE AUGUST 1, 2021, EACH PUBLIC SENIOR**  
24 **HIGHER EDUCATION INSTITUTION SHALL DESIGNATE AN EXISTING FACULTY OR**  
25 **STAFF MEMBER TO IMPLEMENT AND MONITOR THE INSTITUTION'S PROGRESS WITH**  
26 **AND ADHERENCE TO THE REQUIREMENTS OF THIS SECTION.**

27           **(II) THE INDIVIDUAL DESIGNATED UNDER SUBPARAGRAPH (I)**  
28 **OF THIS PARAGRAPH SHALL REPORT DIRECTLY TO THE PUBLIC SENIOR HIGHER**  
29 **EDUCATION INSTITUTION'S PRESIDENT OR EQUIVALENT HEAD OF THE INSTITUTION.**

30           **(2) (I) UNLESS A PUBLIC SENIOR HIGHER EDUCATION**

1 INSTITUTION HAS A DEDICATED SUSTAINABILITY STAFF MEMBER, ON OR BEFORE  
2 JANUARY 1, 2023, EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION SHALL  
3 CREATE AND FILL AT LEAST ONE POSITION THAT IS DEDICATED TO SUSTAINABILITY.

4 (II) EACH DEDICATED SUSTAINABILITY STAFF MEMBER AND, IF  
5 APPLICABLE, SUSTAINABILITY OFFICE SHALL REPORT DIRECTLY TO THE PUBLIC  
6 SENIOR HIGHER EDUCATION INSTITUTION'S PRESIDENT OR EQUIVALENT HEAD OF  
7 THE INSTITUTION.

8 (E) (1) PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS SHALL SHARE  
9 RELEVANT RESOURCES, BEST PRACTICES, AND METHODOLOGIES WITH ONE  
10 ANOTHER.

11 (2) EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION'S  
12 SUSTAINABILITY OFFICE OR SUSTAINABILITY STAFF MEMBERS SHALL MEET  
13 QUARTERLY TO SHARE BEST PRACTICES AND REPORT ON THE PROGRESS MADE  
14 TOWARD MEETING THE REQUIREMENTS OF THIS SECTION.

15 (3) ON OR BEFORE DECEMBER 1 EACH YEAR, EACH PUBLIC SENIOR  
16 HIGHER EDUCATION INSTITUTION SHALL REPORT, IN ACCORDANCE WITH § 2-1257  
17 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION  
18 COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS  
19 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE  
20 ENVIRONMENT AND TRANSPORTATION COMMITTEE ON THE PROGRESS THE  
21 INSTITUTION HAS MADE TOWARD MEETING THE REQUIREMENTS OF THIS SECTION,  
22 INCLUDING:

23 (I) THE INSTITUTION'S CLIMATE GOALS;

24 (II) THE INSTITUTION'S USE AND TYPE OF CARBON OFFSETS;

25 (III) EXAMPLES OF THE INSTITUTION'S COLLABORATION WITH  
26 OTHER PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS; AND

27 (IV) A SUMMARY OF THE QUARTERLY MEETINGS REQUIRED  
28 UNDER PARAGRAPH (2) OF THIS SUBSECTION.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
30 1, 2021.