

HB0018/673327/1

BY: Delegate M. Fisher

AMENDMENTS TO HOUSE BILL 18
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before “**Maryland**” insert “**Environment – Office of Recycling –**”; in the same line, after “**Stewardship**” insert “**and Solar Photovoltaic Recycling**”; in line 19, after “later;” insert “establishing a solar photovoltaic recycling fee; requiring a person installing a solar electric generating facility in the State to pay the fee beginning on a certain date; prohibiting certain entities from imposing a tax, fee, or other charge on the installation of a solar electric generating facility; requiring each installer to pay the fee and to submit a return and remit the fee to the Comptroller on or before a certain day; establishing a certain credit for an installer who timely files a fee return and pays the fee; establishing the Solar Photovoltaic Recycling Fund; applying certain provisions of law governing the sales and use tax to the administration, collection, and enforcement of the fee; requiring that a certain percentage of a certain sale price of each renewable energy credit be deposited into the Fund; exempting the Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State;”; in the same line, strike “the Paint Stewardship Program” and substitute “recycling”; and in line 27, after “(r-4)” insert “, 9-1715, and 9-1716”.

On page 2, after line 7, insert:

“BY repealing and reenacting, without amendments,
Article - Public Utilities
Section 7-709(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)”

BY repealing and reenacting, with amendments,

Article - Public Utilities
Section 7-709(b)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article - State Finance and Procurement
Section 6-226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - State Finance and Procurement
Section 6-226(a)(2)(ii)144. and 145.
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to

Article - State Finance and Procurement
Section 6-226(a)(2)(ii)146.
Annotated Code of Maryland
(2021 Replacement Volume)”.

AMENDMENT NO. 2

On page 6, after line 12, insert:

“9-1715.

(A) (1) BEGINNING OCTOBER 1, 2022, A PERSON INSTALLING A SOLAR ELECTRIC GENERATING FACILITY IN THE STATE SHALL PAY A SOLAR PHOTOVOLTAIC RECYCLING FEE.

(2) A COUNTY, A MUNICIPAL CORPORATION, OR ANY AGENCY OF A COUNTY OR MUNICIPAL CORPORATION MAY NOT IMPOSE ANY TAX, FEE, OR OTHER CHARGE ON THE INSTALLATION OF A SOLAR ELECTRIC GENERATING FACILITY.

(B) THE SOLAR PHOTOVOLTAIC RECYCLING FEE IS 10% OF THE COST OF INSTALLATION.

(C) EACH INSTALLER SHALL:

(1) PAY THE SOLAR PHOTOVOLTAIC RECYCLING FEE; AND

(2) ON OR BEFORE THE 21ST DAY OF THE MONTH THAT FOLLOWS THE MONTH IN WHICH THE SALE WAS MADE:

(i) COMPLETE AND SUBMIT, UNDER OATH, A RETURN TO THE COMPTROLLER; AND

(ii) REMIT THE FEES TO THE COMPTROLLER.

(D) AN INSTALLER WHO TIMELY FILES A SOLAR PHOTOVOLTAIC RECYCLING FEE RETURN AND PAYS THE SOLAR PHOTOVOLTAIC RECYCLING FEES DUE IS ALLOWED, FOR THE EXPENSE OF ADMINISTERING AND PAYING THE FEE, A CREDIT EQUAL TO 0.6% OF THE GROSS AMOUNT OF SOLAR PHOTOVOLTAIC RECYCLING FEES THAT THE INSTALLER IS TO PAY TO THE COMPTROLLER.

(E) IF THE AMOUNT OF THE SOLAR PHOTOVOLTAIC RECYCLING FEE IS SEPARATELY STATED IN A RETAIL SALE, THE SOLAR PHOTOVOLTAIC RECYCLING

FEE IS NOT SUBJECT TO ANY TAX UNDER TITLE 11 OF THE TAX – GENERAL ARTICLE OR TITLE 13 OF THE TRANSPORTATION ARTICLE.

(F) AT THE END OF EACH QUARTER, THE COMPTROLLER SHALL FORWARD ALL SOLAR PHOTOVOLTAIC RECYCLING FEES TO THE SOLAR PHOTOVOLTAIC RECYCLING FUND UNDER § 9–1716 OF THIS SUBTITLE, LESS THE COSTS OF ADMINISTRATION.

(G) EXCEPT TO THE EXTENT THEY ARE INCONSISTENT WITH THIS SECTION, THE PROVISIONS OF TITLE 13 OF THE TAX – GENERAL ARTICLE APPLICABLE TO THE SALES AND USE TAX SHALL GOVERN THE ADMINISTRATION, COLLECTION, AND ENFORCEMENT OF THE SOLAR PHOTOVOLTAIC RECYCLING FEE UNDER THIS SECTION.

(H) THE COMPTROLLER:

(1) SHALL ADMINISTER THE SOLAR PHOTOVOLTAIC RECYCLING FEE; AND

(2) MAY ADOPT ANY REGULATIONS THAT ARE NECESSARY OR APPROPRIATE TO ADMINISTER, COLLECT, AND ENFORCE THE SOLAR PHOTOVOLTAIC RECYCLING FEE.

9–1716.

(A) IN THIS SECTION, “FUND” MEANS THE SOLAR PHOTOVOLTAIC RECYCLING FUND.

(B) THERE IS A SOLAR PHOTOVOLTAIC RECYCLING FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE FUNDING FOR TECHNOLOGIES AND PROCESSES THAT ASSIST WITH THE RECYCLING OF SOLAR PHOTOVOLTAIC SYSTEMS.

(D) THE DEPARTMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 9-1714 OF THIS SUBTITLE AND § 7-709 OF THE PUBLIC UTILITIES ARTICLE;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(3) INTEREST EARNINGS OF THE FUND; AND

(4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY FOR:

(1) TECHNOLOGIES AND PROCESSES THAT ASSIST WITH THE RECYCLING OF SOLAR PHOTOVOLTAIC SYSTEMS; AND

(2) ADMINISTRATION OF THE FUND.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(I) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(J) MONEY EXPENDED FROM THE FUND FOR THE RECYCLING OF SOLAR PHOTOVOLTAIC SYSTEMS IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE APPROPRIATED FOR RECYCLING OF SOLAR PHOTOVOLTAIC SYSTEMS.”

AMENDMENT NO. 3

On page 11, after line 19, insert:

“Article – Public Utilities

7–709.

(a) An electricity supplier may use accumulated renewable energy credits to meet the renewable energy portfolio standard, including credits created by a renewable on–site generator.

(b) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A renewable energy credit may be sold or otherwise transferred.

(2) FOR EACH RENEWABLE ENERGY CREDIT THAT IS SOLD, 20% OF THE FIRST SALE PRICE SHALL BE DEPOSITED INTO THE SOLAR PHOTOVOLTAIC RECYCLING FUND UNDER § 9-1716 OF THE ENVIRONMENT ARTICLE.

Article – State Finance and Procurement

6-226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not apply to the following funds:

144. the Health Equity Resource Community Reserve Fund;

[and]

145. the Access to Counsel in Evictions Special Fund; AND

146. THE SOLAR PHOTOVOLTAIC RECYCLING FUND.”