

SENATE BILL 471

F2, M3
SB 835/21 – EHE

2lr1822
CF 2lr1821

By: **Senator Rosapepe**

Introduced and read first time: January 27, 2022

Assigned to: Education, Health, and Environmental Affairs

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 public senior higher education institution must meet to achieve
7 the carbon neutral requirements under this Act; requiring each public senior higher
8 education institution to designate, on or before a certain date, a certain individual to
9 implement and monitor the institution's progress with and adherence to the
10 requirements of this Act; requiring a public senior higher education institution to
11 create and fill, on or before a certain date, a position dedicated to sustainability
12 under certain circumstances; establishing the Environmental Justice Scholarship
13 Program; requiring the Maryland Higher Education Commission, in conjunction
14 with the University System of Maryland, Morgan State University, and St. Mary's
15 College of Maryland, to study the feasibility of establishing a general education
16 requirement in sustainability for public colleges and universities in the State; and
17 generally relating to public senior higher education institutions and carbon
18 neutrality.

19 BY repealing and reenacting, without amendments,
20 Article – Education
21 Section 10–101(a) and (m) and 18–101(a) and (c)
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2021 Supplement)

24 BY adding to
25 Article – Education
26 Section 15–134; and 18–3901 to be under the new subtitle “Subtitle 39.
27 Environmental Justice Scholarship Program”
28 Annotated Code of Maryland
29 (2018 Replacement Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 10–101.

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

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

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

9 (2) Morgan State University; and

10 (3) St. Mary’s College of Maryland.

11 **15–134.**

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

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

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

20 **(I) IS LOCATED IN THE UNITED STATES;**

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

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

28 **(III) IS DEVELOPED IN PARTNERSHIP WITH LOCAL**
29 **ORGANIZATIONS LOCATED OR PRIMARILY WORKING IN THE COMMUNITY IN WHICH**

1 THE PROJECT WILL OCCUR;

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

3 (V) MEETS THE REQUIREMENTS OF THIS SECTION.

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

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

8 1. BOILERS;

9 2. CENTRAL HEATING PLANTS;

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

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

14 5. REFRIGERANTS AND CHEMICALS; AND

15 6. AGRICULTURAL SOURCES.

16 (5) (I) "SCOPE 2 INDIRECT EMISSIONS" MEANS INDIRECT
17 EMISSIONS THAT ARE PRODUCED BY AN ENERGY GENERATING SYSTEM THAT IS NOT
18 OWNED, OPERATED, SUBCONTRACTED, OR MAINTAINED BY A PUBLIC SENIOR
19 HIGHER EDUCATION INSTITUTION THAT BURNS FOSSIL FUELS TO GENERATE
20 ENERGY TO POWER THE INSTITUTION'S FACILITIES.

21 (II) "SCOPE 2 INDIRECT EMISSIONS" INCLUDES UPSTREAM
22 EMISSIONS THAT ARE ASSOCIATED WITH PURCHASES MADE BY A PUBLIC SENIOR
23 HIGHER EDUCATION INSTITUTION FOR ELECTRICITY, STEAM, OR CHILLED WATER
24 FROM A PUBLIC SERVICE COMPANY.

25 (6) (I) "SCOPE 3 INDIRECT EMISSIONS" MEANS INDIRECT
26 EMISSIONS RESULTING FROM UPSTREAM AND DOWNSTREAM ACTIVITIES A PUBLIC
27 SENIOR HIGHER EDUCATION INSTITUTION RELIES ON TO CONDUCT ITS
28 OPERATIONS.

29 (II) "SCOPE 3 INDIRECT EMISSIONS" INCLUDES INDIRECT

1 EMISSIONS FROM THE BURNING OF FOSSIL FUELS TO SUPPORT:

2 1. AIR TRAVEL THAT IS DIRECTLY FINANCED BY AN
3 OFFICIAL PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, INCLUDING
4 FINANCING FROM RESEARCH GRANTS AND REIMBURSEMENTS TO STUDENTS FOR
5 STUDY-ABROAD TRAVEL;

6 2. GROUND TRAVEL THAT IS DIRECTLY FINANCED BY A
7 PUBLIC SENIOR HIGHER EDUCATION INSTITUTION, INCLUDING FINANCING FROM
8 RESEARCH GRANTS AND REIMBURSEMENTS TO STUDENTS FOR STUDY ABROAD
9 TRAVEL; AND

10 3. COMMUTING BY AN INSTITUTION'S FACULTY, STAFF,
11 AND STUDENTS TO AND FROM THE INSTITUTION.

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

15 (ii) ON OR BEFORE JANUARY 1, 2035, EACH PUBLIC SENIOR
16 HIGHER EDUCATION INSTITUTION SHALL BE CARBON NEUTRAL FOR SCOPE 3
17 INDIRECT EMISSIONS.

18 (iii) IF, BEFORE JANUARY 1, 2035, TECHNOLOGY IS DEVELOPED
19 TO ADDRESS EMISSIONS FROM SOLID WASTE AND WASTEWATER THAT IS
20 REASONABLE FOR A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION TO
21 PURCHASE AND UTILIZE, A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IS
22 ENCOURAGED TO PURCHASE AND UTILIZE THE TECHNOLOGY TO ACHIEVE CARBON
23 NEUTRALITY FOR THE INSTITUTION'S SOLID WASTE AND WASTEWATER EMISSIONS.

24 (2) METHODS FOR ACHIEVING CARBON NEUTRALITY UNDER
25 PARAGRAPH (1) OF THIS SUBSECTION INCLUDE:

26 (i) INCREASING A PUBLIC SENIOR HIGHER EDUCATION
27 INSTITUTION'S ENERGY EFFICIENCY;

28 (ii) TRANSITIONING THE INSTITUTION'S VEHICLES TO
29 ELECTRIC VEHICLES;

30 (iii) A COMMITMENT TO NET-ZERO BUILDING EMISSIONS FROM
31 THE INSTITUTION;

32 (iv) TRANSITIONING THE INSTITUTION TO RENEWABLE

1 ENERGY; AND

2 (v) SUBJECT TO SUBSECTION (C) OF THIS SECTION, CARBON
3 OFFSETS.

4 (c) (1) A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION THAT USES
5 CARBON OFFSETS TO MEET THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS
6 SECTION SHALL:

7 (i) FOR EACH TON OF CARBON DIOXIDE FOR WHICH CARBON
8 OFFSETS ARE USED TO MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS
9 SECTION, DETERMINE AN ENVIRONMENTAL JUSTICE INVESTMENT AMOUNT FOR
10 THE ENVIRONMENTAL JUSTICE SCHOLARSHIP PROGRAM ESTABLISHED UNDER §
11 18-3901 OF THIS ARTICLE BY SUBTRACTING THE COST OF THE CARBON OFFSET
12 FROM THE SOCIAL COST OF CARBON, AS DETERMINED BY THE FEDERAL
13 GOVERNMENT'S INTERAGENCY WORKING GROUP ON SOCIAL COST OF
14 GREENHOUSE GASES;

15 (ii) ENSURE EACH PROJECT GENERATING CARBON OFFSETS
16 THAT ARE USED TO MEET THE REQUIREMENTS OF THIS SECTION IS LOCATED IN THE
17 UNITED STATES; AND

18 (iii) VERIFY EACH CARBON OFFSET USED TO MEET THE
19 REQUIREMENTS OF THIS SECTION WITH ONE OF THE FOLLOWING METHODS:

- 20 1. GOLD STANDARD FOR THE GLOBAL GOALS;
- 21 2. VERRA'S VERIFIED CARBON STANDARD;
- 22 3. PEER REVIEW;
- 23 4. CLIMATE ACTION RESERVE'S VERIFICATION
24 PROGRAM;
- 25 5. AMERICAN CARBON REGISTRY'S VALIDATION AND
26 VERIFICATION STANDARD;
- 27 6. NORI'S CROPLAND METHODOLOGY; OR
- 28 7. ANY OTHER CARBON OFFSET ACCOUNTING
29 METHODOLOGY THAT:
- 30 A. IS APPROVED BY THE STATE; AND

B. INCLUDES ADDITIONALITY STANDARDS.

(2) BEGINNING JANUARY 1, 2055, CARBON OFFSETS MAY NOT BE USED TO MEET THE REQUIREMENTS OF THIS SECTION FOR SCOPE 1 DIRECT EMISSIONS OR SCOPE 2 INDIRECT EMISSIONS.

(D) (1) (I) ON OR BEFORE AUGUST 1, 2022, EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION SHALL DESIGNATE AN EXISTING FACULTY OR STAFF MEMBER TO IMPLEMENT AND MONITOR THE INSTITUTION'S PROGRESS WITH AND ADHERENCE TO THE REQUIREMENTS OF THIS SECTION.

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

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

(II) EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION'S DEDICATED SUSTAINABILITY STAFF MEMBER OR DIRECTOR, IF APPLICABLE, AND SUSTAINABILITY OFFICE, IF APPLICABLE, SHALL REPORT DIRECTLY TO THE INSTITUTION'S PRESIDENT OR EQUIVALENT HEAD OF THE INSTITUTION OR A SENIOR OFFICIAL DESIGNATED BY THE INSTITUTION'S PRESIDENT OR EQUIVALENT HEAD OF THE INSTITUTION.

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

(2) EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION'S SUSTAINABILITY STAFF MEMBERS OR, IF APPLICABLE, SUSTAINABILITY DIRECTOR OR SUSTAINABILITY OFFICE SHALL MEET TWICE A YEAR, EITHER IN PERSON OR VIRTUALLY, TO SHARE BEST PRACTICES AND REPORT ON THE PROGRESS MADE TOWARD MEETING THE REQUIREMENTS OF THIS SECTION.

(3) ON OR BEFORE DECEMBER 1 EACH YEAR, EACH PUBLIC SENIOR HIGHER EDUCATION INSTITUTION SHALL REPORT, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION

1 COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS
2 COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE
3 ENVIRONMENT AND TRANSPORTATION COMMITTEE ON THE PROGRESS THE
4 INSTITUTION HAS MADE TOWARD MEETING THE REQUIREMENTS OF THIS SECTION,
5 INCLUDING:

6 (I) THE INSTITUTION'S CLIMATE GOALS;

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

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

10 (IV) A SUMMARY OF THE MEETINGS REQUIRED UNDER
11 PARAGRAPH (2) OF THIS SUBSECTION.

12 18-101.

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

14 (c) "Office" means the Office of Student Financial Assistance.

15 **SUBTITLE 39. ENVIRONMENTAL JUSTICE SCHOLARSHIP PROGRAM.**

16 **18-3901.**

17 (A) IN THIS SECTION, "PROGRAM" MEANS THE ENVIRONMENTAL JUSTICE
18 SCHOLARSHIP PROGRAM.

19 (B) (1) THERE IS A SCHOLARSHIP PROGRAM KNOWN AS THE
20 ENVIRONMENTAL JUSTICE SCHOLARSHIP PROGRAM IN THE STATE.

21 (2) THE PURPOSE OF THE PROGRAM IS TO SUPPORT STUDENTS WHO
22 ARE FROM AN ENVIRONMENTAL JUSTICE COMMUNITY OR A COMMUNITY THAT HAS
23 BEEN DISPLACED BY CLIMATE CHANGE.

24 (C) THE OFFICE SHALL ADMINISTER THE PROGRAM.

25 (D) AN INDIVIDUAL MAY APPLY TO THE OFFICE FOR A SCHOLARSHIP UNDER
26 THIS SECTION IF THE INDIVIDUAL IS FROM A COMMUNITY THAT:

27 (1) RECEIVES A SCORE EQUAL TO OR GREATER THAN 0.51 ON THE
28 MARYLAND ENVIRONMENTAL JUSTICE SCREEN TOOL;

1 **(2) IS DESIGNATED AS AN ENVIRONMENTAL JUSTICE COMMUNITY BY**
2 **AN ALTERNATIVE METHOD APPROVED BY THE DEPARTMENT OF NATURAL**
3 **RESOURCES OR THE UNIVERSITY OF MARYLAND SCHOOL OF PUBLIC HEALTH; OR**

4 **(3) HAS BEEN DISPLACED BY CLIMATE CHANGE.**

5 **(E) THE OFFICE SHALL GIVE PRIORITY TO APPLICATIONS FROM RESIDENTS**
6 **OF THE STATE.**

7 **(F) A SCHOLARSHIP AWARD UNDER THIS SECTION MAY BE USED AT ANY**
8 **ELIGIBLE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.**

9 **(G) FUNDS FOR THE PROGRAM INCLUDE:**

10 **(1) ENVIRONMENTAL JUSTICE INVESTMENTS DETERMINED UNDER §**
11 **15-134(C)(1)(I) OF THIS ARTICLE;**

12 **(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**
13 **PROGRAM; AND**

14 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
15 **THE BENEFIT OF THE PROGRAM.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That:

17 (a) The Maryland Higher Education Commission, in conjunction with the
18 University System of Maryland, Morgan State University, and St. Mary's College of
19 Maryland, shall study the feasibility of establishing a general education requirement in
20 sustainability for public colleges and universities in the State.

21 (b) On or before December 1, 2022, the Maryland Higher Education Commission
22 shall report the results of the study required under subsection (a) of this section to the
23 Governor and, in accordance with § 2-1257 of the State Government Article, the General
24 Assembly.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2022.