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By: **Senators Frosh, Britt, Conway, Dyson, Green, Grosfeld, Kelley, Pinsky,  
and Teitelbaum**

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Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Windfall Oil Profits Tax - Energy-Saving Investment Program**

3 FOR the purpose of imposing a certain tax on certain income of certain corporations,  
4 computed under a certain method; establishing an Energy-Saving Investment  
5 Program administered by the Maryland Energy Administration and consisting  
6 of energy efficiency programs; creating an Energy-Saving Investment Fund to  
7 provide funding for certain purposes; providing for the distribution to the Fund  
8 of the revenues from a certain tax on certain income of certain corporations;  
9 requiring the Maryland Energy Administration to develop, manage, supervise,  
10 and administer certain energy efficiency programs; providing for the  
11 preparation and submission of a plan to implement certain energy efficiency  
12 programs throughout the State; establishing an Energy-Saving Investment  
13 Advisory Board with certain membership and duties; providing for the  
14 termination of the Program established and the tax imposed under this Act;  
15 providing for the disposition of certain funds after a certain date; defining  
16 certain terms; providing for the application of this Act; and generally relating to  
17 the Energy-Saving Investment Program.

18 BY adding to  
19 Article - Tax - General  
20 Section 2-613.1 and 10-102.2  
21 Annotated Code of Maryland  
22 (2004 Replacement Volume and 2005 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article - Tax - General  
25 Section 2-614(a), 2-615, and 10-101(n)  
26 Annotated Code of Maryland  
27 (2004 Replacement Volume and 2005 Supplement)

28 BY adding to  
29 Article - Public Utility Companies  
30 Section 7-801 through 7-808 to be under the new subtitle "Subtitle 8.

1 Energy-Saving Investment Program"  
2 Annotated Code of Maryland  
3 (1998 Volume and 2005 Supplement)

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

6 **Article - Tax - General**

7 2-613.1.

8 AFTER MAKING THE DISTRIBUTION REQUIRED UNDER § 2-613 OF THIS  
9 SUBTITLE, THE COMPTROLLER SHALL DISTRIBUTE THE REVENUE FROM THE  
10 WINDFALL PROFITS TAX IMPOSED UNDER § 10-102.2 OF THIS ARTICLE TO THE  
11 ENERGY-SAVING INVESTMENT FUND ESTABLISHED UNDER § 7-803 OF THE PUBLIC  
12 UTILITY COMPANIES ARTICLE.

13 2-614.

14 (a) After making the [distribution] DISTRIBUTIONS required under [§ 2-613]  
15 §§ 2-613 AND 2-613.1 of this subtitle, the Comptroller shall distribute monthly 24% of  
16 the remaining income tax revenue from corporations to a special fund to be  
17 distributed as provided in subsection (b) of this section.

18 2-615.

19 After making the distributions required under [§§ 2-613 and 2-614] §§ 2-613,  
20 2-613.1, AND 2-614 of this subtitle, the Comptroller shall distribute the remaining  
21 income tax revenue from corporations to the General Fund of the State.

22 10-101.

23 (n) (1) "State income tax" means the State tax on income imposed under this  
24 title.

25 (2) "STATE INCOME TAX" INCLUDES THE WINDFALL PROFITS TAX  
26 IMPOSED UNDER § 10-102.2 OF THIS SUBTITLE.

27 10-102.2.

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

30 (2) "ADJUSTED BASE YEAR UNITARY INCOME" MEANS, FOR ANY  
31 TAXABLE YEAR, THE UNITARY INCOME OF A CORPORATION FOR THE BASE YEAR  
32 INCREASED BY A PERCENTAGE EQUAL TO 110% OF THE PERCENTAGE INCREASE, IF  
33 ANY, IN THE TOTAL MARYLAND TAXABLE INCOME OF ALL CORPORATIONS FOR THE  
34 MOST RECENT TAXABLE YEAR FOR WHICH DATA IS AVAILABLE OVER THE TOTAL  
35 MARYLAND TAXABLE INCOME OF ALL CORPORATIONS FOR THE BASE YEAR, AS  
36 DETERMINED BY THE COMPTROLLER UNDER SUBSECTION (C) OF THIS SECTION.

1 (3) "BASE YEAR" MEANS THE TAXABLE YEAR BEGINNING IN 2004 OR  
2 ANOTHER TAXABLE YEAR AS THE COMPTROLLER ALLOWS UNDER SUBSECTION (D)  
3 OF THIS SECTION.

4 (4) "INTEGRATED OIL COMPANY" MEANS:

5 (I) A CORPORATION THAT IS ENGAGED IN THE BUSINESS OF  
6 PRODUCING, REFINING, DISTRIBUTING, OR MARKETING PETROLEUM PRODUCTS; OR

7 (II) AN AFFILIATED GROUP OF CORPORATIONS:

8 1. THAT IS ENGAGED IN A UNITARY BUSINESS OF  
9 PRODUCING, REFINING, DISTRIBUTING, OR MARKETING PETROLEUM PRODUCTS;  
10 AND

11 2. MORE THAN 50% OF THE VOTING STOCK OF EACH  
12 MEMBER OF WHICH IS DIRECTLY OR INDIRECTLY OWNED BY:

13 A. A COMMON OWNER OR COMMON OWNERS, EITHER  
14 CORPORATE OR NONCORPORATE; OR

15 B. ONE OR MORE MEMBER CORPORATIONS OF THE GROUP.

16 (5) "UNITARY INCOME" MEANS THE MARYLAND TAXABLE INCOME THAT  
17 A CORPORATION WOULD HAVE REPORTED FOR A TAXABLE YEAR USING THE  
18 UNITARY METHOD.

19 (6) "UNITARY METHOD" MEANS A METHOD OF COMPUTING MARYLAND  
20 TAXABLE INCOME, AS PRESCRIBED BY REGULATIONS ADOPTED BY THE  
21 COMPTROLLER, UNDER WHICH EACH CORPORATION THAT IS SUBJECT TO THE  
22 MARYLAND INCOME TAX AND IS A MEMBER OF AN AFFILIATED GROUP OF  
23 CORPORATIONS THAT IS AN INTEGRATED OIL COMPANY DETERMINES THE PART OF  
24 THE CORPORATION'S MARYLAND MODIFIED INCOME THAT IS DERIVED FROM OR  
25 REASONABLY ATTRIBUTABLE TO TRADE OR BUSINESS CARRIED ON IN THE STATE BY  
26 ALLOCATING THE ENTIRE INCOME OF ALL MEMBERS OF THE AFFILIATED GROUP OF  
27 CORPORATIONS TO THE STATE USING THE COMBINED ALLOCATION FACTORS OF ALL  
28 MEMBERS OF THE AFFILIATED GROUP.

29 (7) "WINDFALL PROFITS" MEANS, FOR ANY TAXABLE YEAR, THE EXCESS  
30 OF A CORPORATION'S UNITARY INCOME FOR THE CURRENT TAXABLE YEAR OVER  
31 THE CORPORATION'S ADJUSTED BASE YEAR UNITARY INCOME.

32 (B) (1) SUBJECT TO SUBSECTION (E) OF THIS SECTION, IN ADDITION TO THE  
33 TAX IMPOSED UNDER § 10-102 OF THIS ARTICLE, FOR EACH TAXABLE YEAR A TAX IS  
34 IMPOSED ON THE WINDFALL PROFITS OF EACH CORPORATION THAT IS AN  
35 INTEGRATED OIL COMPANY OR IS A MEMBER OF AN AFFILIATED GROUP OF  
36 CORPORATIONS THAT IS AN INTEGRATED OIL COMPANY.

37 (2) THE RATE OF THE TAX IMPOSED UNDER THIS SECTION IS 50% OF A  
38 CORPORATION'S WINDFALL PROFITS.

1 (C) (1) FOR EACH TAXABLE YEAR, THE COMPTROLLER SHALL DETERMINE  
2 AND PUBLISH THE PERCENTAGE CHANGE IN THE TOTAL MARYLAND TAXABLE  
3 INCOME OF ALL CORPORATIONS FOR THE MOST RECENT TAXABLE YEAR FOR WHICH  
4 DATA IS AVAILABLE OVER THE TOTAL MARYLAND TAXABLE INCOME OF ALL  
5 CORPORATIONS FOR 2004.

6 (2) IF THE COMPTROLLER ALLOWS A CORPORATION TO USE A BASE  
7 YEAR OTHER THAN 2004 FOR PURPOSES OF THIS SECTION, FOR EACH TAXABLE YEAR  
8 THE COMPTROLLER SHALL DETERMINE AND NOTIFY THE CORPORATION OF THE  
9 PERCENTAGE CHANGE IN THE TOTAL MARYLAND TAXABLE INCOME OF ALL  
10 CORPORATIONS FOR THE MOST RECENT TAXABLE YEAR FOR WHICH DATA IS  
11 AVAILABLE OVER THE TOTAL MARYLAND TAXABLE INCOME OF ALL CORPORATIONS  
12 FOR THE BASE YEAR.

13 (D) THE COMPTROLLER MAY ALLOW A CORPORATION TO USE A BASE YEAR  
14 OTHER THAN 2004 FOR PURPOSES OF THIS SECTION IF THE CORPORATION  
15 DEMONSTRATES TO THE SATISFACTION OF THE COMPTROLLER THAT THE  
16 CORPORATION'S UNITARY INCOME FOR 2004 WAS SUBSTANTIALLY LOWER THAN IT  
17 OTHERWISE WOULD HAVE BEEN AS A RESULT OF NONRECURRING LOSSES OR OTHER  
18 DIMINUTIONS OF INCOME THAT WERE PROPERLY ALLOCABLE TO THE TAXPAYER'S  
19 2004 TAXABLE YEAR.

20 (E) THE TAX IMPOSED UNDER THIS SECTION DOES NOT APPLY TO ANY  
21 TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2015.

22

#### **Article - Public Utility Companies**

23

#### **SUBTITLE 8. ENERGY-SAVING INVESTMENT PROGRAM.**

24 7-801.

25 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
26 INDICATED.

27 (B) "ADMINISTRATION" MEANS THE MARYLAND ENERGY ADMINISTRATION.

28 (C) "BOARD" MEANS THE ENERGY-SAVING INVESTMENT ADVISORY BOARD  
29 ESTABLISHED UNDER § 7-805 OF THIS SUBTITLE.

30 (D) "COST-EFFECTIVE" MEANS THAT THE TOTAL RESOURCE BENEFITS OF A  
31 PROGRAM EXCEED THE TOTAL RESOURCE COSTS ATTRIBUTABLE TO THE PROGRAM  
32 FOR THE PROGRAM'S FULL DURATION AND THE LIFE OF MEASURES IMPLEMENTED  
33 UNDER THE PROGRAM.

34 (E) "ENERGY" MEANS ELECTRICITY AND NATURAL GAS.

35 (F) "ENERGY PERFORMANCE CONTRACT" MEANS A CONTRACT CONSISTENT  
36 WITH TITLE 12, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

1 (G) "FUND" MEANS THE ENERGY-SAVING INVESTMENT FUND ESTABLISHED  
2 UNDER § 7-803 OF THIS SUBTITLE.

3 (H) "LOW-INCOME CUSTOMER" MEANS A CUSTOMER WITH A HOUSEHOLD  
4 INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL, IN THE  
5 GUIDELINES FOR THE 48 CONTIGUOUS STATES PUBLISHED BY THE FEDERAL  
6 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

7 (I) "PLAN" MEANS THE ENERGY-SAVING INVESTMENT PLAN ESTABLISHED  
8 UNDER § 7-804 OF THIS SUBTITLE.

9 7-802.

10 (A) THERE IS AN ENERGY-SAVING INVESTMENT PROGRAM.

11 (B) THE ENERGY-SAVING INVESTMENT PROGRAM CONSISTS OF ENERGY  
12 EFFICIENCY PROGRAMS.

13 7-803.

14 (A) THERE IS AN ENERGY-SAVING INVESTMENT FUND.

15 (B) THE PURPOSE OF THE FUND IS TO INCREASE THE OPPORTUNITIES FOR  
16 ENERGY CONSUMERS THROUGHOUT MARYLAND TO:

17 (1) SAVE ENERGY;

18 (2) REDUCE CONSUMERS' TOTAL ENERGY COSTS; AND

19 (3) REDUCE POLLUTION AND THREATS TO PUBLIC HEALTH ASSOCIATED  
20 WITH ENERGY PRODUCTION AND CONSUMPTION.

21 (C) THE FUND CONSISTS OF:

22 (1) THE REVENUES FROM THE WINDFALL PROFITS TAX DISTRIBUTED  
23 TO THE FUND UNDER § 2-613.1 OF THE TAX - GENERAL ARTICLE; AND

24 (2) ANY ADDITIONAL FUNDS APPROPRIATED TO THE FUND OR MADE  
25 AVAILABLE TO THE FUND FROM ANY SOURCE.

26 (D) THE TREASURER SHALL HOLD THE FUND AND SHALL INVEST THE MONEY  
27 OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED  
28 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION WITH  
29 THE ADMINISTRATION.

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

32 (F) NOT MORE THAN 10% OF THE FUNDS PLACED IN THE FUND MAY BE  
33 EXPENDED BY THE ADMINISTRATION ON MANAGEMENT AND SUPERVISION OF  
34 ACTIVITIES UNDER THIS SUBTITLE.

1 (G) THE ADMINISTRATION SHALL DISBURSE FUNDS FROM THE FUND IN  
2 ACCORDANCE WITH THIS SUBTITLE.

3 7-804.

4 (A) (1) THE ADMINISTRATION SHALL PREPARE AND MAINTAIN AN  
5 ENERGY-SAVING INVESTMENT PLAN.

6 (2) ALL DISBURSEMENTS FROM THE FUND SHALL BE IN ACCORDANCE  
7 WITH THE PLAN.

8 (3) THE ADMINISTRATION SHALL SUBMIT THE INITIAL PLAN TO THE  
9 GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE  
10 GENERAL ASSEMBLY, ON OR BEFORE DECEMBER 31, 2007.

11 (4) (I) THE ADMINISTRATION SHALL PERIODICALLY UPDATE THE  
12 PLAN.

13 (II) ON OR BEFORE DECEMBER 1, 2009, THE ADMINISTRATION  
14 SHALL SUBMIT ITS FIRST UPDATED PLAN TO THE GOVERNOR AND, SUBJECT TO §  
15 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

16 (B) THE PLAN SHALL DESCRIBE, EVALUATE, AND RECOMMEND ENERGY  
17 EFFICIENCY PROGRAMS THAT ARE DESIGNED TO ACCOMPLISH ONE OR MORE OF  
18 THE FOLLOWING OBJECTIVES:

19 (1) TO TRANSFORM MARKETS, SO THAT ENERGY-EFFICIENT PRODUCTS  
20 AND SERVICES THAT ARE NOT BROADLY AVAILABLE AND USED BY MARYLAND  
21 CONSUMERS BECOME STANDARD PRODUCT OFFERINGS;

22 (2) TO CAPTURE OPPORTUNITIES OTHERWISE LOST FOR  
23 COST-EFFECTIVE ENERGY EFFICIENT DESIGNS, MATERIALS, AND EQUIPMENT  
24 WHEN HOMES AND BUILDINGS ARE BUILT, REMODELED, OR RENOVATED AND WHEN  
25 EQUIPMENT IS REPLACED;

26 (3) TO REDUCE PEAK DEMAND FOR ELECTRICITY AND IMPROVE  
27 SERVICE RELIABILITY FOR ALL CUSTOMERS THROUGH ENERGY EFFICIENCY  
28 MEASURES THAT ARE ESPECIALLY EFFECTIVE AT REDUCING PEAK SYSTEM  
29 DEMANDS;

30 (4) TO REDUCE PEAK DEMAND AND SEASONAL PRICE VOLATILITY FOR  
31 NATURAL GAS;

32 (5) TO ENSURE THAT LOW-INCOME CUSTOMERS CAN FULLY  
33 PARTICIPATE IN OPPORTUNITIES TO SAVE ENERGY AND REDUCE THEIR ENERGY  
34 COSTS; AND

35 (6) TO ENCOURAGE THE DEVELOPMENT OF COMMERCIALY VIABLE  
36 RENEWABLE ENERGY RESOURCES IN THE STATE.

1 (C) THE PLAN SHALL CONTAIN:

2 (1) RELEVANT BASELINE INFORMATION AS MAY BE AVAILABLE  
3 REGARDING ENERGY SALES AND CONSUMPTION, PATTERNS OF ENERGY USAGE, AND  
4 PREVAILING PRACTICES IN THE MARYLAND MARKETPLACE FOR GOODS AND  
5 SERVICES THAT INFLUENCE ENERGY CONSUMPTION, TOGETHER WITH PLANS FOR  
6 SUPPLEMENTING AVAILABLE BASELINE INFORMATION WITH NEW DATA;

7 (2) COST-EFFECTIVE ENERGY EFFICIENCY PROGRAMS RECOMMENDED  
8 FOR IMPLEMENTATION, INCLUDING:

9 (I) MARKET TRANSFORMATION PROGRAMS AND  
10 LOST-OPPORTUNITY PROGRAMS IN AREAS SUCH AS RESIDENTIAL APPLIANCES,  
11 LIGHTING, WINDOWS, INSULATION, HEATING, AIR-CONDITIONING, AND NEW HOME  
12 CONSTRUCTION;

13 (II) ENERGY PERFORMANCE CONTRACT PROGRAMS WITH OPEN  
14 AND COMPETITIVE ACCESS TO ENERGY EFFICIENCY FUNDS; AND

15 (III) OTHER ENERGY EFFICIENCY PROGRAMS NECESSARY TO  
16 ADDRESS THE SPECIALIZED NEEDS OF FARMERS, TENANTS, LOW-INCOME  
17 CONSUMERS, OR OTHER RESIDENTIAL CONSUMER GROUPS;

18 (3) GOALS, MILESTONES, PERFORMANCE INDICATORS, AND BUDGETS  
19 FOR EACH ENERGY EFFICIENCY PROGRAM RECOMMENDED FOR IMPLEMENTATION;

20 (4) PROCEDURES FOR GATHERING INFORMATION ON THE EFFECTS OF  
21 EACH RECOMMENDED ENERGY EFFICIENCY PROGRAM;

22 (5) AN EVALUATION OF EACH RECOMMENDED ENERGY EFFICIENCY  
23 PROGRAM, INCLUDING AN ASSESSMENT OF ITS COST-EFFECTIVENESS;

24 (6) THE VIEWS AND RECOMMENDATIONS, IF ANY, OF THE BOARD;

25 (7) A LIST OF RESIDENTIAL ENERGY EFFICIENCY PROGRAMS  
26 INDEPENDENTLY UNDERTAKEN BY AN ELECTRIC COMPANY OR GAS COMPANY WITH  
27 COMMISSION APPROVAL UNDER § 7-211 OF THIS TITLE; AND

28 (8) A DEMONSTRATION THAT ANY ENERGY EFFICIENCY PROGRAM  
29 RECOMMENDED UNDER THIS SECTION DOES NOT DUPLICATE AND IS NOT  
30 INCONSISTENT WITH THE OBJECTIVES OF A RESIDENTIAL ENERGY EFFICIENCY  
31 PROGRAM APPROVED UNDER § 7-211 OF THIS TITLE.

32 (D) THE PLAN SHALL PROVIDE THAT:

33 (1) ENERGY EFFICIENCY PROGRAMS ARE OFFERED TO RESIDENTIAL  
34 RETAIL ELECTRIC CUSTOMERS AND RESIDENTIAL RETAIL GAS CUSTOMERS IN ALL  
35 AREAS OF THE STATE;

1 (2) EACH RECOMMENDED ENERGY EFFICIENCY PROGRAM WILL YIELD  
2 NET SAVINGS OF ENERGY;

3 (3) AT LEAST 25% OF THE FUNDS SHALL BE DIRECTED TOWARD ENERGY  
4 EFFICIENCY PROGRAMS TO SERVE LOW-INCOME RESIDENTIAL ELECTRIC  
5 CUSTOMERS AND LOW-INCOME RESIDENTIAL GAS CUSTOMERS; AND

6 (4) ANY ENERGY EFFICIENCY PROGRAM FOUND TO BE NO LONGER  
7 COST-EFFECTIVE MAY NOT BE CONTINUED.

8 (E) FOR PURPOSES OF DETERMINING WHETHER AN ENERGY EFFICIENCY  
9 PROGRAM IS COST-EFFECTIVE, BENEFITS OF THE ENERGY EFFICIENCY PROGRAM  
10 INCLUDE THE MONETARY VALUE OF ELECTRICITY, NATURAL GAS, AND WATER  
11 SAVED AS A RESULT OF THE ENERGY EFFICIENCY PROGRAM.

12 (F) FOR PURPOSES OF ESTABLISHING PRIORITIES FOR IMPLEMENTATION OF  
13 ENERGY EFFICIENCY PROGRAMS:

14 (1) AN APPROPRIATE RANGE OF MONETARY VALUE SHALL BE ASSIGNED  
15 TO EACH EXTERNALITY ASSOCIATED WITH THE ENERGY EFFICIENCY PROGRAM; AND

16 (2) OTHER FACTORS BEING EQUAL, EMPHASIS SHALL BE GIVEN TO  
17 ENERGY EFFICIENCY PROGRAMS THAT REDUCE PEAK DEMANDS FOR ELECTRICITY  
18 OR NATURAL GAS.

19 (G) THE ADMINISTRATION SHALL:

20 (1) MANAGE, SUPERVISE, AND ADMINISTER THE ENERGY EFFICIENCY  
21 PROGRAMS IMPLEMENTED UNDER THE PLAN;

22 (2) ADOPT REGULATIONS NECESSARY TO ENSURE THAT THE  
23 IMPLEMENTED ENERGY EFFICIENCY PROGRAMS CARRY OUT THE PURPOSES OF THE  
24 PLAN; AND

25 (3) DEVELOP PROCEDURES FOR MONITORING AND ASSESSING ALL  
26 ENERGY EFFICIENCY PROGRAMS IMPLEMENTED UNDER THE PLAN.

27 7-805.

28 (A) ON OR BEFORE OCTOBER 1, 2006, THE DIRECTOR OF THE ADMINISTRATION  
29 SHALL CONVENE AN ENERGY-SAVING INVESTMENT ADVISORY BOARD.

30 (B) THE BOARD SHALL CONSIST OF THE FOLLOWING MEMBERS APPOINTED  
31 TO FIXED TERMS BY THE ADMINISTRATION, AND SHALL INCLUDE:

32 (1) A REPRESENTATIVE OF THE OFFICE OF PEOPLE'S COUNSEL,  
33 SELECTED BY THE PEOPLE'S COUNSEL;

34 (2) A REPRESENTATIVE OF THE STAFF OF THE COMMISSION, SELECTED  
35 BY THE CHAIRMAN OF THE COMMISSION;



1 (3) ONE REPRESENTATIVE OF EACH PARTICIPATING ELECTRIC  
2 COMPANY, INCLUDING ONE REPRESENTATIVE OF EACH PARTICIPATING MUNICIPAL  
3 CORPORATION AND EACH PARTICIPATING COOPERATIVE, SELECTED BY THE  
4 RESPECTIVE ELECTRIC COMPANY, MUNICIPAL CORPORATION, AND COOPERATIVE;

5 (4) ONE REPRESENTATIVE OF EACH PARTICIPATING GAS COMPANY,  
6 SELECTED BY THE RESPECTIVE GAS COMPANY;

7 (5) ONE REPRESENTATIVE OF A UNIT OF STATE GOVERNMENT THAT  
8 ADMINISTERS A WEATHERIZATION PROGRAM THAT SERVES LOW-INCOME  
9 RESIDENTS, SELECTED BY THE SECRETARY OF THAT UNIT OF STATE GOVERNMENT;  
10 AND

11 (6) TWO REPRESENTATIVES OF NOT-FOR-PROFIT ORGANIZATIONS  
12 CONCERNED WITH ENERGY AND ENVIRONMENTAL POLICY AND ONE  
13 REPRESENTATIVE OF A NOT-FOR-PROFIT ORGANIZATION THAT SERVES  
14 LOW-INCOME RESIDENTS.

15 (C) NOTWITHSTANDING SUBSECTION (B)(3) AND (4) OF THIS SECTION, A GAS  
16 AND ELECTRIC COMPANY SHALL ONLY HAVE ONE REPRESENTATIVE ON THE BOARD.

17 (D) THE BOARD SHALL PROVIDE THE ADMINISTRATION WITH REVIEW AND  
18 COMMENT ON:

19 (1) DRAFT AND FINAL VERSIONS OF THE PLAN, PLAN UPDATES, AND  
20 PLAN SUPPLEMENTS;

21 (2) GOALS, MILESTONES, BUDGETS, AND PERFORMANCE INDICATORS  
22 FOR EACH ENERGY EFFICIENCY PROGRAM IN THE PLAN, ON A SEMIANNUAL BASIS;

23 (3) RECOMMENDATIONS FOR PROSPECTIVE ENERGY EFFICIENCY  
24 PROGRAMS; AND

25 (4) OTHER MATTERS CONCERNING THE ENERGY-SAVING INVESTMENT  
26 PROGRAM THAT THE BOARD CHOOSES TO ADDRESS.

27 (E) NOTHING IN THIS SECTION AUTHORIZES THE BOARD TO APPROVE OR  
28 DISAPPROVE ENERGY EFFICIENCY PROGRAMS, EXPENDITURES, THE SELECTION OF  
29 CONTRACTORS, OR ANY OTHER RESPONSIBILITY OF THE ADMINISTRATION UNDER  
30 THIS SUBTITLE.

31 7-806.

32 THE ADMINISTRATION MAY CONTRACT WITH ONE OR MORE  
33 NONGOVERNMENTAL ENTITIES FOR ASSISTANCE IN CARRYING OUT ITS  
34 RESPONSIBILITIES UNDER THIS SUBTITLE.

1 7-807.

2 (A) ON OR BEFORE MARCH 30, 2008, AND MARCH 30 OF EACH SUCCEEDING  
3 YEAR THROUGH 2015, THE ADMINISTRATION SHALL, IN COOPERATION WITH THE  
4 COMPTROLLER, SUBMIT AN ANNUAL REPORT ON THE FUND TO THE GENERAL  
5 ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

6 (B) THE REPORT SHALL INCLUDE:

7 (1) AN ACCOUNTING OF ALL FUNDS DEPOSITED TO AND DISBURSED  
8 FROM THE FUND;

9 (2) A DESCRIPTION OF ENERGY EFFICIENCY PROGRAMS PROPOSED,  
10 UNDERWAY, OR COMPLETED; AND

11 (3) A SUMMARY OF ENERGY EFFICIENCY PROGRAM RESULTS,  
12 EXPRESSED, AS APPLICABLE, IN TERMS OF ENERGY SAVINGS, COST SAVINGS TO  
13 CONSUMERS, POLLUTION PREVENTION, AND MARKET EFFECTS.

14 7-808.

15 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THIS SUBTITLE AND THE  
16 ENERGY-SAVING INVESTMENT PROGRAM ESTABLISHED UNDER THIS SUBTITLE  
17 SHALL TERMINATE AT THE END OF JUNE 30, 2016.

18 (B) ANY UNCOMMITTED FUNDS REMAINING IN THE FUND AT THE END OF  
19 JUNE 30, 2016, AND ANY FUNDS REQUIRED BY LAW TO BE DISTRIBUTED TO THE FUND  
20 AFTER JUNE 30, 2016, SHALL BE TRANSFERRED TO THE GENERAL FUND OF THE  
21 STATE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That § 10-102.2 of the Tax -  
23 General Article as enacted by Section 1 of this Act shall be applicable to all taxable  
24 years beginning after December 31, 2005.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 July 1, 2006.