A BILL ENTITLED

AN ACT concerning

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

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

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

BY adding to
Article – Education
Section 15–126
Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education


(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 organizations located or primarily working in the community in which the project will occur;

(IV) follows best practices for carbon offsets; and

(V) meets the requirements of this section.

(4) (I) "Scope 1 direct emissions" means emissions physically produced at a public senior higher education institution campus.

(II) "Scope 1 direct emissions" includes emissions from:

1. boilers;

2. central heating plants;

3. power plants located on a public senior higher education institution campus;

4. vehicles owned by a public senior higher education institution;

5. refrigerants and chemicals; and

6. agricultural sources.

(5) (I) "Scope 2 indirect emissions" means indirect emissions resulting from activities:

1. affiliated with a public senior higher education institution; and

2. that take place at a site that is not owned or controlled by the institution.

(II) "Scope 2 indirect emissions" includes emissions that are:

1. associated with purchases made by a public senior higher education institution;
2. Not produced on the campus of the institution; and

3. Produced by the burning of fossil fuels.

(6) (I) “Scope 3 induced emissions” means emissions produced by sources that:

1. Are central to a public senior higher education institution’s operations and activities; and

2. Are not owned or controlled by the institution.

(II) “Scope 3 induced emissions” includes emissions from:

1. Air travel for official public senior higher education institution business;

2. Travel that is directly financed by a public senior higher education institution;

3. Travel associated with an institution’s study abroad program;

4. An institution’s faculty, staff, and students commute to and from the institution;

5. An institution’s solid waste; and

6. An institution’s wastewater.

(B) (1) On or before January 1, 2025, each public senior higher education institution shall be carbon neutral for Scope 1 direct emissions and Scope 2 indirect emissions.

(2) On or before January 1, 2035, each public senior higher education institution shall be carbon neutral for Scope 3 induced emissions.

(3) Methods for achieving carbon neutrality under paragraphs (1) and (2) of this subsection include:
(I) Increasing a public senior higher education institution’s energy efficiency;

(II) Transitioning the institution’s vehicles to electric vehicles;

(III) A commitment to net-zero building emissions from the institution;

(IV) Transitioning the institution to renewable energy; and

(V) Subject to subsection (c) of this section, carbon offsets.

(C) (1) Subject to paragraphs (2), (3), and (4) of this subsection, a public senior higher education institution that uses carbon offsets to meet the requirements under subsection (b) of this section must meet the following offset requirements:

(I) From 2025 through 2034, inclusive, 5% of the public institution’s carbon offsets must be achieved in Maryland, in the Chesapeake Bay watershed, or through an environmental justice offset project;

(II) From 2035 through 2044, inclusive, 25% of the public institution’s carbon offsets must be achieved in Maryland, in the Chesapeake Bay watershed, or through an environmental justice offset project;

(III) From 2045 through 2054, inclusive, 50% of the public institution’s carbon offsets must be achieved in Maryland, in the Chesapeake Bay watershed, or through an environmental justice offset project; and

(IV) From 2055 and each year thereafter, 75% of the public institution’s carbon offsets must be achieved in Maryland, in the Chesapeake Bay watershed, or through an environmental justice offset project.
(2) By 2035, 10% of each carbon offset project must be designed to benefit a community that scores a 0.51 or higher on the Maryland Environmental Justice Screen Tool.

(3) A public senior higher education institution that uses carbon offsets to meet the requirements of this section may use offsets that do not meet the requirements under paragraphs (1) and (2) of this subsection if:

   (I) The public institution, in consultation with the Department of General Services, determines that the institution cannot reasonably meet the requirements of this section; and

   (II) The public institution’s student government association appoints students who will work with the individual responsible for making energy and offset purchase decisions for the institution to review and approve the carbon offsets the institution will use in lieu of carbon offsets that meet the requirements under paragraphs (1) and (2) of this subsection.

(4) Each carbon offset used to meet the requirements of this section must be verified by one of the following methods:

   (I) Gold Standard for the Global Goals;

   (II) Verra’s Verified Carbon Standard;

   (III) Peer review; or

   (IV) Any other carbon offset accounting methodology that:

       1. Is approved by the State; and

       2. Includes additionality standards.

(D) (1) (I) On or before August 1, 2021, 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.

(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 dedicated sustainability staff member and, if applicable, sustainability office shall report directly to the public senior higher education 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 office or sustainability staff members shall meet quarterly 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 Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Appropriations Committee, and the House Environment and Transportation Committee on the progress the institution has made toward meeting the requirements of this section, including:

(I) The institution’s climate goals;

(II) The institution’s use and type of carbon offsets;

(III) Examples of the institution’s collaboration with other public senior higher education institutions; and

(IV) A summary of the quarterly meetings required under paragraph (2) of this subsection.

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