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 public senior higher education institution must meet to achieve the carbon neutral requirements under this Act; 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 a public senior higher education institution to create and fill, on or before a certain date, a position dedicated to sustainability under certain circumstances; establishing the Environmental Justice Scholarship Program; requiring the Maryland Higher Education Commission, in conjunction with the University System of Maryland, Morgan State University, and St. Mary's College of Maryland, to study the feasibility of establishing a general education requirement in sustainability for public colleges and universities in the State; 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) and 18–101(a) and (c)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to

Article – Education
Section 15–134; and 18–3901 to be under the new subtitle “Subtitle 39. Environmental Justice Scholarship Program”
Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(2018 Replacement Volume and 2021 Supplement)

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.

15–134.

(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 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 that are produced by an energy generating system that is not owned, operated, subcontracted, or maintained by a public senior higher education institution that burns fossil fuels to generate energy to power the institution’s facilities.

(II) "Scope 2 indirect emissions" includes upstream emissions that are associated with purchases made by a public senior higher education institution for electricity, steam, or chilled water from a public service company.

(6) (I) "Scope 3 indirect emissions" means indirect emissions resulting from upstream and downstream activities a public senior higher education institution relies on to conduct its operations.
(II) “Scope 3 indirect emissions” includes indirect emissions from the burning of fossil fuels to support:

1. **Air travel** that is directly financed by an official public senior higher education institution, including financing from research grants and reimbursements to students for study-abroad travel;

2. **Ground travel** that is directly financed by a public senior higher education institution, including financing from research grants and reimbursements to students for study abroad travel; and

3. **Commuting** by an institution’s faculty, staff, and students to and from the institution.

(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**.

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

(III) If, before January 1, 2035, technology is developed to address emissions from solid waste and wastewater that is reasonable for a public senior higher education institution to purchase and utilize, a public senior higher education institution is encouraged to purchase and utilize the technology to achieve carbon neutrality for the institution’s solid waste and wastewater emissions.

(2) **Methods for achieving carbon neutrality** under paragraph (1) 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) A public senior higher education institution that uses carbon offsets to meet the requirements under subsection (b) of this section shall:

(I) For each ton of carbon dioxide for which carbon offsets are used to meet the requirements of subsection (b) of this section, determine an environmental justice investment amount for the Environmental Justice Scholarship Program established under § 18–3901 of this article by subtracting the cost of the carbon offset from the social cost of carbon, as determined by the federal government's Interagency Working Group on Social Cost of Greenhouse Gases;

(II) Ensure each project generating carbon offsets that are used to meet the requirements of this section is located in the United States; and

(III) Verify each carbon offset used to meet the requirements of this section with one of the following methods:

1. Gold Standard for the Global Goals;

2. Verra’s Verified Carbon Standard;

3. Peer review;

4. Climate Action Reserve’s verification program;

5. American Carbon Registry’s Validation and Verification Standard;

6. Nori’s Cropland Methodology; or

7. Any other carbon offset accounting methodology that:
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)  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
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 MEETINGS REQUIRED UNDER
PARAGRAPH (2) OF THIS SUBSECTION.

18–101.

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

(c) “Office” means the Office of Student Financial Assistance.

SUBTITLE 39. ENVIRONMENTAL JUSTICE SCHOLARSHIP PROGRAM.

18–3901.

(A) IN THIS SECTION, “PROGRAM” MEANS THE ENVIRONMENTAL JUSTICE
SCHOLARSHIP PROGRAM.

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

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

(C) THE OFFICE SHALL ADMINISTER THE PROGRAM.

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

(1) RECEIVES A SCORE EQUAL TO OR GREATER THAN 0.51 ON THE
MARYLAND ENVIRONMENTAL JUSTICE SCREEN TOOL;
(2) IS DESIGNATED AS AN ENVIRONMENTAL JUSTICE COMMUNITY BY
AN ALTERNATIVE METHOD APPROVED BY THE DEPARTMENT OF NATURAL
RESOURCES OR THE UNIVERSITY OF MARYLAND SCHOOL OF PUBLIC HEALTH; OR

(3) HAS BEEN DISPLACED BY CLIMATE CHANGE.

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

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

(G) FUNDS FOR THE PROGRAM INCLUDE:

(1) ENVIRONMENTAL JUSTICE INVESTMENTS DETERMINED UNDER §
15–134(C)(1)(I) OF THIS ARTICLE;

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

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

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