

# SENATE BILL 912

M5, C5, F5

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CF 0lr1544

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By: **Senator Kramer**

Introduced and read first time: February 3, 2020

Assigned to: Budget and Taxation and Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Climate Crisis and Education Act**

3 FOR the purpose of establishing a Climate Crisis Initiative in the Department of the  
4 Environment for certain purposes; providing for the purposes of the Initiative;  
5 establishing a certain greenhouse gas reduction target for certain years; establishing  
6 a Climate Crisis Council with certain membership for certain purposes; requiring  
7 the Council to develop a certain plan with certain required elements and submit the  
8 plan to the General Assembly; requiring the Council to have the plan verified in a  
9 certain manner; requiring the Council to hold certain meetings for certain purposes;  
10 requiring the Secretary of the Environment to administer certain schedules of  
11 greenhouse gas pollution fees; requiring the Secretary to delegate certain collection  
12 and benefit functions to the Comptroller; requiring the Comptroller to carry out  
13 certain functions; requiring the collection of a certain greenhouse gas pollution fee  
14 on certain fuels and certain electricity for certain purposes; providing for the  
15 assessment of a certain fee on certain substances at certain rates in certain years,  
16 subject to a certain condition; requiring the collection of a certain fee on certain  
17 products at their first point of sale in the State; reducing a certain fee by a certain  
18 amount under certain circumstances; prohibiting the passing through of a certain  
19 fee to certain end users or customers, with a certain exception; requiring each electric  
20 distribution company and each competitive electricity supplier to pay in a certain  
21 manner a certain fee calculated in a certain manner; providing for the deduction of  
22 certain amounts from a certain fee in a certain manner; requiring the payment of a  
23 certain fee quarterly with an annual reconciliation; requiring each electricity  
24 supplier to file certain information with the Public Service Commission by a certain  
25 date each year for certain purposes; requiring the Commission to open a docket for  
26 certain purposes; requiring the Commission to issue a certain order under certain  
27 circumstances; requiring certain persons generating a certain amount of electricity  
28 to pay a certain fee calculated in a certain manner; requiring certain natural gas  
29 distribution companies to pay a certain fee calculated in a certain manner; requiring  
30 the Secretary to determine a certain fee for certain fugitive emissions and intentional  
31 releases for the purpose of determining a certain additional fee; exempting certain

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



governmental units from the fee under this Act; providing for the initial date of collection of a certain fee; requiring the Secretary to determine certain matters for identifying certain substances as subject to a certain fee, with certain exceptions; requiring the Secretary to prepare certain reports periodically considering certain matters and to submit the reports to the Governor and the General Assembly; prohibiting the imposition of certain fees if superseded by federal law or regulation; providing for the distribution of certain fees to certain funds in a certain manner; establishing a Kirwan Initiative Fund as a special, nonlapsing fund for certain purposes; providing for the administration and functioning of the Kirwan Fund; providing for the investment of money in and expenditures from the Kirwan Fund; requiring interest earnings of the Kirwan Fund to be credited to the Kirwan Fund; providing for the distribution of money from the Kirwan Fund for certain purposes; establishing a Household and Employer Benefit Fund as a special, nonlapsing fund for certain purposes; providing for the administration and functioning of the Benefit Fund; providing for the investment of money in and expenditures from the Benefit Fund; requiring interest earnings of the Benefit Fund to be credited to the Benefit Fund; establishing certain accounts in the Benefit Fund for certain purposes; providing for the distribution of money in the Household Benefit Account and the Employer Benefit Account in certain manners for certain purposes; providing that certain money distributed as a benefit under this Act may not be included in taxable income for purposes of any State or local income tax; providing that certain money distributed as a benefit shall be excluded from household income for certain purposes; requiring the Secretary to consider certain alternative calendar schedules for certain purposes; authorizing certain beneficiaries to receive benefits in a certain manner; establishing a Climate Crisis Infrastructure Fund as a special, nonlapsing fund for certain purposes; providing for the administration and functioning of the Infrastructure Fund; providing for the investment of money in and expenditures from the Infrastructure Fund; requiring interest earnings of the Infrastructure Fund to be credited to the Infrastructure Fund; providing for the distribution of money from the Infrastructure Fund on approval by the Secretary in a certain manner for certain purposes; establishing a certain fee to be charged on certain new motor vehicles sold or registered in the State based on certain ratings; setting the amount of the fee; exempting certain motor vehicles from the fee; requiring the Department of Transportation to review certain exemptions on or before a certain date and make certain recommendations; requiring the fee to be deposited in the Infrastructure Fund and used for certain purposes; providing that the Secretary is not subject to penalties or actions for damages for certain actions under this Act; requiring the Secretary to make certain efforts to return certain fees to certain persons in a certain manner; requiring the Secretary to identify certain measures and programs each year in consultation with certain units; requiring the Secretary to study and report on certain matters to the Governor and the General Assembly by a certain date; requiring the Secretary to adopt certain regulations in consultation with the Commission; exempting the Infrastructure Fund, the Benefit Fund, and the Kirwan Fund from a certain provision of law requiring interest earnings on State money to accrue to the General Fund of the State; defining certain terms; and generally relating to the Climate Crisis Initiative, greenhouse gas emissions reductions, and education.

- 1 BY renumbering  
2 Article – Environment  
3 Section 2–1201 and 2–1202, respectively  
4 to be Section 2–1202 and 2–1201, respectively  
5 Annotated Code of Maryland  
6 (2013 Replacement Volume and 2019 Supplement)
- 7 BY adding to  
8 Article – Environment  
9 New part designation “Part I. Statewide Inventory and Emissions Reduction Plan”  
10 to immediately precede Section 2–1201; and Section 2–1214 through 2–1228  
11 to be under the new part “Part II. Climate Crisis Initiative”  
12 Annotated Code of Maryland  
13 (2013 Replacement Volume and 2019 Supplement)
- 14 BY repealing and reenacting, without amendments,  
15 Article – Environment  
16 Section 2–1201 and 2–1202(1) through (5) and (8)  
17 Annotated Code of Maryland  
18 (2013 Replacement Volume and 2019 Supplement)  
19 (As enacted by Section 1 of this Act)
- 20 BY repealing and reenacting, without amendments,  
21 Article – State Finance and Procurement  
22 Section 6–226(a)(2)(i)  
23 Annotated Code of Maryland  
24 (2015 Replacement Volume and 2019 Supplement)
- 25 BY repealing and reenacting, with amendments,  
26 Article – State Finance and Procurement  
27 Section 6–226(a)(2)(ii) 121. and 122.  
28 Annotated Code of Maryland  
29 (2015 Replacement Volume and 2019 Supplement)
- 30 BY adding to  
31 Article – State Finance and Procurement  
32 Section 6–226(a)(2)(ii) 123. through 125.  
33 Annotated Code of Maryland  
34 (2015 Replacement Volume and 2019 Supplement)
- 35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
36 That Section(s) 2–1201 and 2–1202, respectively, of Article – Environment of the Annotated  
37 Code of Maryland be renumbered to be Section(s) 2–1202 and 2–1201, respectively.
- 38 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
39 as follows:

**Article – Environment****PART I. STATEWIDE INVENTORY AND EMISSIONS REDUCTION PLAN.**

2–1201.

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

(b) “Alternative compliance mechanism” means an action authorized by regulations adopted by the Department that achieves the equivalent reduction of greenhouse gas emissions over the same period as a direct emissions reduction.

(c) “Carbon dioxide equivalent” means the measurement of a given weight of a greenhouse gas that has the same global warming potential, measured over a specified period of time, as one metric ton of carbon dioxide.

(d) “Direct emissions reduction” means a reduction of greenhouse gas emissions from a greenhouse gas emissions source.

(e) “Greenhouse gas” includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(f) “Greenhouse gas emissions source” means a source or category of sources of greenhouse gas emissions that have emissions of greenhouse gases that are subject to reporting requirements or other provisions of this subtitle, as determined by the Department.

(g) “Leakage” means a reduction in greenhouse gas emissions within the State that is offset by a corresponding increase in greenhouse gas emissions from a greenhouse gas emissions source located outside the State that is not subject to a similar state, interstate, or regional greenhouse gas emissions cap or limitation.

(h) (1) “Manufacturing” means the process of substantially transforming, or a substantial step in the process of substantially transforming, tangible personal property into a new and different article of tangible personal property by the use of labor or machinery.

(2) “Manufacturing”, when performed by companies primarily engaged in the activities described in paragraph (1) of this subsection, includes:

(i) The operation of saw mills, grain mills, or feed mills;

(ii) The operation of machinery and equipment used to extract and process minerals, metals, or earthen materials or by-products that result from the extracting or processing; and

(iii) Research and development activities.

(3) “Manufacturing” does not include:

(i) Activities that are primarily a service;

(ii) Activities that are intellectual, artistic, or clerical in nature;

(iii) Public utility services, including gas, electric, water, and steam production services; or

(iv) Any other activity that would not commonly be considered as manufacturing.

(i) “Statewide greenhouse gas emissions” means the total annual emissions of greenhouse gases in the State, measured in metric tons of carbon dioxide equivalents, including all emissions of greenhouse gases from the generation of electricity delivered to and consumed in the State, and line losses from the transmission and distribution of electricity, whether the electricity is generated in-State or imported.

2–1202.

The General Assembly finds that:

(1) Greenhouse gases are air pollutants that threaten to endanger the public health and welfare of the people of Maryland;

(2) Global warming poses a serious threat to the State’s future health, well-being, and prosperity;

(3) With 3,100 miles of tidally influenced shoreline, Maryland is vulnerable to the threat posed by global warming and susceptible to rising sea levels and flooding, which would have detrimental and costly effects;

(4) The State has the ingenuity to reduce the threat of global warming and make greenhouse gas reductions a part of the State’s future by achieving a 25% reduction in greenhouse gas emissions from 2006 levels by 2020 and by preparing a plan to meet a longer-term goal of reducing greenhouse gas emissions by up to 90% from 2006 levels by 2050 in a manner that promotes new “green” jobs, and protects existing jobs and the State’s economic well-being;

(5) Studies have shown that energy efficiency programs and technological initiatives consistent with the goal of reducing greenhouse gas emissions can result in a net economic benefit to the State;

(8) It is necessary to protect the public health, economic well-being, and natural treasures of the State by reducing harmful air pollutants such as greenhouse gas

emissions by using practical solutions that are already at the State's disposal;

**2-1212. RESERVED.**

**2-1213. RESERVED.**

## **PART II. CLIMATE CRISIS INITIATIVE.**

**2-1214.**

**(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

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

**(C) "ADULT RESIDENT" MEANS A RESIDENT OF THE STATE AT LEAST 18 YEARS OLD.**

**(D) "BENEFIT FUND" MEANS THE HOUSEHOLD AND EMPLOYER BENEFIT FUND ESTABLISHED UNDER § 2-1222 OF THIS SUBTITLE.**

**(E) "COMMISSION" MEANS THE PUBLIC SERVICE COMMISSION.**

**(F) "COUNCIL" MEANS THE CLIMATE CRISIS COUNCIL ESTABLISHED UNDER § 2-1217 OF THIS SUBTITLE.**

**(G) "ELECTRICITY SUPPLIER" HAS THE MEANING STATED IN § 1-101 OF THE PUBLIC UTILITIES ARTICLE.**

**(H) "EMPLOYER" MEANS A PERSON, A GOVERNMENTAL UNIT, OR ANY OTHER ENTITY THAT HAS EMPLOYEES WORKING IN THE STATE.**

**(I) "FOSSIL FUEL" MEANS:**

**(1) NATURAL GAS;**

**(2) PETROLEUM;**

**(3) COAL; AND**

**(4) ANY SOLID, LIQUID, OR GASEOUS FUEL DERIVED FROM ITEM (1), (2), OR (3) OF THIS SUBSECTION.**

1           (J)    “FUGITIVE EMISSIONS” MEANS EMISSIONS OF GREENHOUSE GASES  
2 FROM EQUIPMENT, INCLUDING PIPELINES, DUE TO LEAKS OR OTHER UNINTENDED  
3 OR IRREGULAR RELEASES.

4           (K)    “GREENHOUSE GAS POLLUTION FEE” OR “FEE” MEANS A FEE IMPOSED  
5 ON EACH CARBON DIOXIDE EQUIVALENT UNDER THIS PART.

6           (L)    “INFRASTRUCTURE FUND” MEANS THE CLIMATE CRISIS  
7 INFRASTRUCTURE FUND ESTABLISHED UNDER § 2-1223 OF THIS SUBTITLE.

8           (M)    “INITIATIVE” MEANS THE CLIMATE CRISIS INITIATIVE ESTABLISHED  
9 UNDER THIS PART.

10          (N)    “KIRWAN FUND” MEANS THE KIRWAN INITIATIVE FUND ESTABLISHED  
11 UNDER § 2-1221 OF THIS SUBTITLE.

12          (O)    (1)   “LIFE CYCLE EMISSIONS” MEANS GREENHOUSE GAS EMISSIONS  
13 THAT ARE RELEASED DURING PHASES OF A FUEL OR OTHER PRODUCT’S LIFE.

14                 (2)   “LIFE CYCLE EMISSIONS” INCLUDES GREENHOUSE GAS  
15 EMISSIONS RELEASED DURING EXTRACTION, PROCESSING, TRANSPORTATION, AND  
16 DISPOSAL ACTIVITIES.

17          (P)    “MINIMUM POLLUTION LEVEL” MEANS THE LOWEST LEVEL OF  
18 POLLUTION IN GRAMS PER MILE THAT SUBJECTS A MOTOR VEHICLE TO THE MOTOR  
19 VEHICLE FEE UNDER § 2-1224 OF THIS SUBTITLE.

20          (Q)    “MINOR RESIDENT” MEANS A RESIDENT OF THE STATE UNDER THE AGE  
21 OF 18 YEARS.

22          (R)    “MOTOR FUEL” HAS THE MEANING STATED IN § 9-101 OF THE  
23 TAX – GENERAL ARTICLE.

24          (S)    “MOTOR VEHICLE” HAS THE MEANING STATED IN § 9-101 OF THE  
25 TAX – GENERAL ARTICLE.

26          (T)    “ON-SITE GENERATED ELECTRICITY” HAS THE MEANING STATED IN §  
27 1-101 OF THE PUBLIC UTILITIES ARTICLE.

28          (U)    “QUINTILE 1” MEANS THE 20% OF HOUSEHOLDS WITH PRE-TAX  
29 INCOMES THROUGH THE 20TH PERCENTILE OF ALL HOUSEHOLDS IN THE STATE.

30          (V)    “QUINTILE 2” MEANS THE 20% OF HOUSEHOLDS WITH PRE-TAX

INCOMES ABOVE THE 20TH PERCENTILE THROUGH THE 40TH PERCENTILE OF ALL HOUSEHOLDS IN THE STATE.

(W) "QUINTILE 3" MEANS THE 20% OF HOUSEHOLDS WITH PRE-TAX INCOMES ABOVE THE 40TH PERCENTILE THROUGH THE 60TH PERCENTILE OF ALL HOUSEHOLDS IN THE STATE.

(X) "QUINTILE 4" MEANS THE 20% OF HOUSEHOLDS WITH PRE-TAX INCOMES ABOVE THE 60TH PERCENTILE THROUGH THE 80TH PERCENTILE OF ALL HOUSEHOLDS IN THE STATE.

(Y) "QUINTILE 5" MEANS THE 20% OF HOUSEHOLDS WITH PRE-TAX INCOMES ABOVE THE 80TH PERCENTILE OF ALL HOUSEHOLDS IN THE STATE.

(Z) "TOTAL BENEFIT SHARES" MEANS THE SUM OF ALL ADULT RESIDENTS AND ONE-HALF OF THE MINOR RESIDENTS OF THE STATE.

2-1215.

(A) THERE IS A CLIMATE CRISIS INITIATIVE IN THE DEPARTMENT.

(B) THE INITIATIVE PROVIDES FOR:

(1) THE ESTABLISHMENT OF GREENHOUSE GAS REDUCTION GOALS;

(2) THE ESTABLISHMENT OF A CLIMATE CRISIS COUNCIL;

(3) THE ASSESSMENT OF GREENHOUSE GAS POLLUTION FEES;

(4) FUNDING FOR EDUCATION UNDER THE RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN EDUCATION, COMMONLY KNOWN AS THE "KIRWAN INITIATIVE";

(5) THE ASSESSMENT OF A FEE ON THE SALE OR REGISTRATION OF NEW HIGH-EMISSION VEHICLES;

(6) BENEFITS TO HOUSEHOLDS AND EMPLOYERS IN THE STATE TO MITIGATE THE IMPACT OF FEES UNDER THE INITIATIVE; AND

(7) THE FUNDING OF ACTIVITIES FOR GREENHOUSE GAS REDUCTION AND SEQUESTRATION, IMPROVEMENTS IN RESILIENCY, AND THE PROMOTION OF A JUST ECONOMIC TRANSITION IN THE STATE.



1   **2-1216.**

2           **(A)   THE STATE SHALL REDUCE STATEWIDE GREENHOUSE GAS EMISSIONS**  
3 **BY:**

4                   **(1)   70% FROM 2006 LEVELS BY 2030; AND**

5                   **(2)   100% FROM 2006 LEVELS BY 2040.**

6           **(B)   AFTER 2040, STATEWIDE GREENHOUSE GAS EMISSIONS SHALL BE NET**  
7 **NEGATIVE.**

8   **2-1217.**

9           **(A)   THERE IS A CLIMATE CRISIS COUNCIL.**

10          **(B)   THE MEMBERSHIP OF THE COUNCIL SHALL BE AS FOLLOWS:**

11                   **(1)   ONE MEMBER OF THE HOUSE OF DELEGATES SELECTED BY THE**  
12 **SPEAKER OF THE HOUSE OF DELEGATES;**

13                   **(2)   ONE MEMBER OF THE SENATE OF MARYLAND SELECTED BY THE**  
14 **PRESIDENT OF THE SENATE; AND**

15                   **(3)   EXPERTS IN THE FIELDS OF ECONOMICS, ENVIRONMENTAL**  
16 **SCIENCE, ENVIRONMENTAL JUSTICE, AND OTHERS, AS NEEDED, APPOINTED**  
17 **JOINTLY BY THE SPEAKER AND THE PRESIDENT.**

18          **(C)   THE COUNCIL SHALL SUBMIT A PLAN TO ACHIEVE THE REDUCTION**  
19 **TARGETS SET OUT IN § 2-1216 OF THIS SUBTITLE TO THE GENERAL ASSEMBLY BY**  
20 **DECEMBER 31, 2021.**

21          **(D)   THE PLAN SHALL INCLUDE POLICIES TO MITIGATE INEQUITIES THAT**  
22 **COULD ARISE FROM THE IMPLEMENTATION OF THE PLAN.**

23          **(E)   THE PLAN MAY RECOMMEND AMENDMENTS TO THE FEE, BENEFIT, AND**  
24 **INVESTMENT PROGRAM ESTABLISHED IN §§ 2-1219 THROUGH 2-1223 OF THIS**  
25 **SUBTITLE IF:**

26                   **(1)   THE FEE, BENEFIT, AND INVESTMENT PROGRAM CONTINUES TO**  
27 **PROVIDE \$350,000,000 EACH YEAR TO SUPPORT THE KIRWAN INITIATIVE;**

28                   **(2)   LOW-       AND       MODERATE-INCOME       HOUSEHOLDS       AND**

1 ENERGY-INTENSIVE TRADE-EXPOSED EMPLOYERS ARE REASONABLY PROTECTED  
2 FROM FINANCIAL HARM; AND

3 (3) THE AMENDMENTS DO NOT DIMINISH THE EFFECTIVENESS OF  
4 THE FEE, BENEFIT, AND INVESTMENT PROGRAM AT REDUCING EMISSIONS.

5 (F) BEFORE THE COUNCIL SUBMITS ITS PLAN TO THE GENERAL ASSEMBLY,  
6 AN INDEPENDENT AND RESPECTED ENTITY MUST VERIFY THROUGH MODELING  
7 THAT THE PLAN SHALL:

8 (1) MEET THE REDUCTION GOALS SET OUT IN § 2-1216 OF THIS  
9 SUBTITLE; AND

10 (2) BE EQUITABLE.

11 (G) IN DEVELOPING THE PLAN AND ANY AMENDMENTS TO THE PLAN, THE  
12 COUNCIL SHALL:

13 (1) HOLD PERIODIC MEETINGS AT CONVENIENT LOCATIONS AND  
14 TIMES FOR PUBLIC PARTICIPATION; AND

15 (2) PROVIDE A REASONABLE AMOUNT OF TIME IN EACH MEETING FOR  
16 COMMENTS BY THE PUBLIC.

17 2-1218.

18 (A) THE SECRETARY SHALL ADMINISTER THE SCHEDULES OF GREENHOUSE  
19 GAS POLLUTION FEES UNDER THIS PART.

20 (B) THE SECRETARY SHALL DELEGATE ALL COLLECTION OF GREENHOUSE  
21 GAS POLLUTION CHARGES, DISTRIBUTION OF BENEFITS, AND ANY OTHER  
22 APPROPRIATE FUNCTIONS TO THE COMPTROLLER.

23 (C) THE COMPTROLLER SHALL CARRY OUT ALL FUNCTIONS THE  
24 SECRETARY DELEGATES UNDER THIS PART.

25 2-1219.

26 (A) A GREENHOUSE GAS POLLUTION FEE SHALL BE COLLECTED ON ALL:

27 (1) FOSSIL FUELS BROUGHT INTO THE STATE FOR COMBUSTION IN  
28 THE STATE; AND

1                   **(2) ELECTRICITY USED IN THE STATE THAT IS GENERATED BY FOSSIL**  
2 **FUELS.**

3           **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE FEE ASSESSED PER**  
4 **TON OF CARBON DIOXIDE EQUIVALENT ON:**

5                   **(1) NONTRANSPORTATION FUELS SHALL:**

6                           **(I) BE \$15 FROM JULY 31 THROUGH DECEMBER 31, 2021;**

7                           **(II) BE \$20 IN 2022;**

8                           **(III) INCREASE BY \$5 EACH YEAR THEREAFTER THROUGH 2029;**

9 **AND**

10                           **(IV) BE \$60 IN 2030 AND EACH YEAR THEREAFTER; AND**

11                   **(2) TRANSPORTATION FUELS SHALL:**

12                           **(I) BE \$10 FROM JULY 31 THROUGH DECEMBER 31, 2021;**

13                           **(II) BE \$13 IN 2022;**

14                           **(III) INCREASE BY \$3 EACH YEAR THEREAFTER THROUGH 2029;**

15 **AND**

16                           **(IV) BE \$37 IN 2030 AND EACH YEAR THEREAFTER.**

17           **(C) IF THE FEES AND BENEFITS UNDER THIS PART TAKE EFFECT IN A**  
18 **CALENDAR YEAR LATER THAN 2021, THE SECRETARY SHALL DELAY THE SCHEDULE**  
19 **OF FEES UNDER SUBSECTION (B) OF THIS SECTION BY THE SAME NUMBER OF YEARS.**

20           **(D) (1) THE FEE ON FOSSIL FUELS TO BE COMBUSTED IN THE STATE**  
21 **SHALL BE COLLECTED AT THE FOSSIL FUELS' FIRST POINT OF SALE IN THE STATE.**

22                   **(2) THE FEE COLLECTED ON A PETROLEUM PRODUCT UNDER**  
23 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE REDUCED BY AN AMOUNT EQUAL TO**  
24 **ANY FEE PAID FOR THE SAME YEAR FOR TRANSPORTATION AND CLIMATE INITIATIVE**  
25 **ALLOWANCES.**

26                   **(3) THE AMOUNT DEDUCTED UNDER PARAGRAPH (2) OF THIS**  
27 **SUBSECTION MAY NOT EXCEED THE TOTAL AMOUNT OF THE FEE CALCULATED**  
28 **UNDER SUBSECTION (B) OF THIS SECTION.**

1                   (4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A  
2 FEE COLLECTED UNDER THIS SECTION MAY NOT BE PASSED THROUGH AS A DIRECT  
3 COST TO:

- 4                   1. AN END USER OF A FOSSIL FUEL; OR
- 5                   2. A CUSTOMER OF AN ELECTRIC COMPANY OR A GAS  
6 COMPANY.

7                   (II) THIS PARAGRAPH DOES NOT PROHIBIT THE PASSING  
8 THROUGH TO A CUSTOMER OF A FEE COLLECTED UNDER THIS SECTION ON  
9 ELECTRICITY DISTRIBUTED BY AN ELECTRIC COMPANY OR NATURAL GAS  
10 DISTRIBUTED BY A GAS COMPANY ONLY TO THE EXTENT THAT THE COMMISSION  
11 APPROVES THE FEE AS A PRUDENTLY INCURRED COST OF DISTRIBUTION.

12               (E) (1) EACH ELECTRICITY SUPPLIER, INCLUDING EACH ELECTRIC  
13 DISTRIBUTION COMPANY OPERATING IN THE STATE AND EACH COMPETITIVE  
14 SUPPLIER OF ELECTRICITY TO END USERS, SHALL PAY THE FEE ON BEHALF OF ALL  
15 OF THEIR ELECTRICITY CUSTOMERS ON THE BASIS OF EACH KILOWATT-HOUR OF  
16 ELECTRICITY USED BY EACH DISTRIBUTION CUSTOMER.

17               (2) (I) THE PER-KILOWATT-HOUR FEE TO BE PAID BY THE  
18 ELECTRICITY SUPPLIER FOR RETAIL ELECTRICITY SOLD TO ELECTRIC CUSTOMERS  
19 IN THE STATE SHALL BE BASED ON THE CARBON INTENSITY OF THE FUEL MIX THAT  
20 GENERATED THOSE KILOWATT-HOURS OF ELECTRICITY, WHETHER THE  
21 GENERATION SOURCES ARE IN-STATE OR OUT-OF-STATE.

22               (II) THE RETAIL ELECTRICITY SUPPLIER SHALL DETERMINE  
23 THE CARBON INTENSITY OF THE FUEL MIX USING THE U.S. ENERGY INFORMATION  
24 ADMINISTRATION'S CARBON DIOXIDE EMISSIONS FACTORS FOR EACH FUEL.

25               (III) THE ELECTRICITY SUPPLIER SHALL DEDUCT FROM THE FEE  
26 CALCULATED UNDER SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH AN AMOUNT  
27 EQUAL TO THE NET AMOUNT THE ELECTRICITY SUPPLIER PAID FOR THE SAME YEAR  
28 FOR REGIONAL GREENHOUSE GAS INITIATIVE ALLOWANCES RELATED TO  
29 ELECTRICITY SOLD IN THE STATE.

30               (IV) THE AMOUNT DEDUCTED UNDER SUBPARAGRAPH (III) OF  
31 THIS PARAGRAPH MAY NOT EXCEED THE TOTAL AMOUNT OF THE FEE CALCULATED  
32 UNDER SUBPARAGRAPH (I) AND (II) OF THIS PARAGRAPH.

33               (3) AN ELECTRICITY SUPPLIER SHALL:

1 (I) PAY THE FEE AT LEAST QUARTERLY; AND

2 (II) RECONCILE ANNUAL FEES PAID AT LEAST ONCE EACH  
3 YEAR.

4 (F) (1) ON OR BEFORE OCTOBER 1 EACH YEAR, EACH ELECTRICITY  
5 SUPPLIER SHALL FILE WITH THE COMMISSION THE RESULT OF ITS PROPOSED  
6 CALCULATION FOR THE YEAR BEGINNING THE FOLLOWING JANUARY 1.

7 (2) THE FILING MUST INCLUDE SUFFICIENT SUPPORTING DATA TO  
8 ENABLE THE COMMISSION TO DETERMINE WHETHER THE CALCULATION BY THE  
9 ELECTRICITY SUPPLIER WAS MADE FULLY IN ACCORDANCE WITH SUBSECTION (E)  
10 OF THIS SECTION.

11 (3) (I) ON RECEIPT OF THE FILING, THE COMMISSION SHALL OPEN  
12 A DOCKET.

13 (II) THE SOLE PURPOSE OF THE DOCKET SHALL BE FOR THE  
14 COMMISSION TO DETERMINE WHETHER THE CALCULATION BY THE ELECTRICITY  
15 SUPPLIER WAS MADE FULLY IN ACCORDANCE WITH SUBSECTION (E) OF THIS  
16 SECTION.

17 (III) IF THE COMMISSION DETERMINES THAT THE CALCULATION  
18 BY THE ELECTRICITY SUPPLIER WAS MADE FULLY IN ACCORDANCE WITH  
19 SUBSECTION (E) OF THIS SECTION, THE COMMISSION SHALL, NOT LATER THAN  
20 NOVEMBER 15 OF THE SAME YEAR, ISSUE AN ORDER APPROVING THE  
21 CALCULATION.

22 (IV) 1. IF THE COMMISSION DETERMINES THAT THE  
23 CALCULATION BY THE ELECTRICITY SUPPLIER DOES NOT FULLY COMPLY WITH  
24 SUBSECTION (E) OF THIS SECTION:

25 A. THE COMMISSION SHALL ISSUE AN ORDER STATING  
26 CLEARLY THE ERRORS THAT THE ELECTRICITY SUPPLIER MADE; AND

27 B. THE ELECTRICITY SUPPLIER SHALL HAVE 21 DAYS TO  
28 MAKE A COMPLIANCE FILING WITH THE COMMISSION CORRECTING THE ERRORS  
29 IDENTIFIED IN THE COMMISSION'S ORDER.

30 2. IF AN ELECTRICITY SUPPLIER FAILS TO MAKE A  
31 COMPLIANCE FILING AS REQUIRED BY THE COMMISSION, THE COMMISSION SHALL  
32 ISSUE AN ORDER ESTABLISHING THE CALCULATION THAT THE ELECTRICITY

1 SUPPLIER MUST USE FOR THE FOLLOWING CALENDAR YEAR.

2 (G) (1) ANY PERSON THAT GENERATES MORE THAN 25,000  
3 KILOWATT-HOURS OF ON-SITE GENERATED ELECTRICITY USING ANY COMBINATION  
4 OF ONE OR MORE FOSSIL FUELS MUST PAY A FEE UNDER SUBSECTION (E) OF THIS  
5 SECTION BASED ON THE RELATIVE MIX OF FUELS AND THE U.S. ENERGY  
6 INFORMATION ADMINISTRATION'S CARBON DIOXIDE EMISSIONS FACTOR FOR EACH  
7 FUEL.

8 (2) ANY FEE ALREADY PAID ON THE FUEL UNDER THIS SECTION  
9 SHALL BE DEDUCTED FROM THE FEE THAT WOULD OTHERWISE BE DUE UNDER THIS  
10 SUBSECTION.

11 (H) (1) A LOCAL DISTRIBUTION COMPANY FOR NATURAL GAS SHALL PAY  
12 THE FEE FOR ALL NATURAL GAS THAT THE COMPANY DISTRIBUTES FOR  
13 COMBUSTION IN THE STATE.

14 (2) THE FEE UNDER THIS SUBSECTION SHALL BE CALCULATED BY  
15 MULTIPLYING THE NUMBER OF CUBIC FEET OF NATURAL GAS USED BY EACH  
16 CUSTOMER BY THE AMOUNT OF CARBON DIOXIDE EQUIVALENTS RELEASED BY  
17 BURNING 1 CUBIC FOOT OF NATURAL GAS, AS THAT VALUE IS DETERMINED BY THE  
18 U.S. ENERGY INFORMATION ADMINISTRATION.

19 (I) SUBJECT TO § 2-1226 OF THIS SUBTITLE, THE SECRETARY SHALL  
20 DETERMINE THE AMOUNT OF EMISSIONS, AS CARBON DIOXIDE EQUIVALENTS, FROM  
21 ESCAPED OR INTENTIONALLY RELEASED METHANE DUE TO THE EXTRACTION,  
22 PROCESSING, TRANSPORT, OR DISTRIBUTION OF NATURAL GAS BEFORE THE POINT  
23 OF COMBUSTION IN THE STATE, AND MAY ADD AN ADDITIONAL FEE TO THE FEE FOR  
24 ALL NATURAL GAS OR NATURAL GAS-BASED ELECTRICITY.

25 (J) (1) UNITS OF GOVERNMENT WHOSE PRIMARY PURPOSE IS TO  
26 PROVIDE PUBLIC TRANSPORTATION BY BUS, VAN, RAIL, OR OTHER MEANS THAT  
27 REDUCE THE AMOUNT OF DRIVING BY PRIVATE MOTOR VEHICLES SHALL BE EXEMPT  
28 FROM GREENHOUSE GAS POLLUTION FEES UNDER THIS PART.

29 (2) IF AN EXEMPTION FOR A UNIT UNDER PARAGRAPH (1) OF THIS  
30 SUBSECTION IS NOT FEASIBLE, THE UNIT SHALL BE FULLY REIMBURSED FOR ITS  
31 INCREASED COSTS UNDER THIS PART FROM THE BENEFIT FUND.

32 (K) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE COLLECTION OF  
33 THE FEE UNDER THIS SECTION SHALL BEGIN ON THE ADOPTION OF ALL NECESSARY  
34 RULES FOR ITS COLLECTION, BUT NOT LATER THAN JANUARY 1, 2022, FOR  
35 EMISSIONS OCCURRING IN THE LAST 6 MONTHS OF 2021.

1       (L) THE FEES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE  
2 KIRWAN FUND, THE INFRASTRUCTURE FUND, AND THE BENEFIT FUND IN  
3 ACCORDANCE WITH THIS PART.

4       (M) (1) USING THE BEST INFORMATION AND SCIENCE REASONABLY  
5 AVAILABLE, THE SECRETARY SHALL DETERMINE WHETHER TO IDENTIFY ANY  
6 GREENHOUSE GAS-EMITTING SUBSTANCE OR SOURCE, IN ADDITION TO NATURAL  
7 GAS, PETROLEUM, COAL, AND THEIR DERIVATIVES, AS BEING A FOSSIL FUEL  
8 SUBJECT TO THE FEE UNDER THIS PART.

9       (2) EMISSIONS FROM FARM ANIMALS AND CROPS MAY NOT BE  
10 DESIGNATED AS SUBJECT TO THE FEE UNDER THIS PART.

11       (N) (1) WITHIN 3 YEARS AFTER THE FEES AND BENEFITS UNDER THIS  
12 PART TAKE EFFECT, AND EVERY 2 YEARS THEREAFTER, THE SECRETARY, IN  
13 CONSULTATION WITH THE COUNCIL, SHALL SUBMIT A REPORT TO THE GOVERNOR  
14 AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE  
15 GENERAL ASSEMBLY.

16       (2) THE REPORT SHALL TAKE INTO CONSIDERATION WHETHER ANY  
17 INCREASES OR DECREASES IN GREENHOUSE GAS POLLUTION FEES ARE  
18 RECOMMENDED TO:

19               (I) ACCOUNT FOR INFLATION;

20               (II) ADDRESS LIFE CYCLE EMISSIONS AND FUGITIVE EMISSIONS  
21 ISSUES;

22               (III) ENSURE PROGRESS TOWARD REACHING EMISSIONS LIMITS  
23 UNDER § 2-1216 OF THIS SUBTITLE, PART I OF THIS SUBTITLE, AND SUBTITLE 10  
24 OF THIS TITLE; AND

25               (IV) MITIGATE SERIOUS HARM TO ECONOMIC SECTORS,  
26 ECONOMIC SUBSECTORS, OR INDIVIDUAL ENERGY-INTENSIVE TRADE-EXPOSED  
27 EMPLOYERS IN THE STATE CAUSED BY COLLECTION OF GREENHOUSE GAS  
28 POLLUTION FEES UNDER THIS PART.

29       (O) NOTWITHSTANDING ANY OTHER LAW, THE FEES AUTHORIZED UNDER  
30 THIS SECTION MAY NOT BE IMPOSED ON ANY GREENHOUSE GAS-PRODUCING  
31 SUBSTANCE IF THE IMPOSITION IS SUPERSEDED BY FEDERAL LAW OR REGULATION.

32       2-1220.

1 (A) REVENUES FROM GREENHOUSE GAS POLLUTION FEES UNDER THIS  
2 PART SHALL BE DISTRIBUTED TO THE KIRWAN FUND, THE BENEFIT FUND, AND THE  
3 INFRASTRUCTURE FUND IN ACCORDANCE WITH THIS SECTION.

4 (B) FROM THE REVENUES GENERATED BY THE FEES ON GREENHOUSE GAS  
5 EMISSIONS FROM FOSSIL FUELS, \$350,000,000 SHALL BE DISTRIBUTED EACH  
6 FISCAL YEAR TO THE KIRWAN FUND SOLELY FOR THE USE OF THE KIRWAN  
7 INITIATIVE.

8 (C) THE LESSER OF 50% OF THE REVENUES GENERATED BY THE FEE, OR  
9 ALL THE REVENUES REMAINING AFTER THE DISTRIBUTION TO THE KIRWAN FUND  
10 UNDER SUBSECTION (B) OF THIS SECTION, SHALL BE DISTRIBUTED EACH YEAR TO  
11 THE BENEFIT FUND FOR THE PURPOSE OF PROVIDING BENEFITS TO HOUSEHOLDS  
12 AND EMPLOYERS IN ACCORDANCE WITH § 2-1222 OF THIS SUBTITLE.

13 (D) ANY REVENUES THAT REMAIN AFTER THE DISTRIBUTIONS UNDER  
14 SUBSECTIONS (B) AND (C) OF THIS SECTION SHALL BE DISTRIBUTED EACH YEAR TO  
15 THE INFRASTRUCTURE FUND.

16 2-1221.

17 (A) THERE IS A KIRWAN INITIATIVE FUND.

18 (B) THE PURPOSE OF THE KIRWAN FUND IS TO SUPPORT EDUCATION IN  
19 THE STATE UNDER LEGISLATION AND REGULATIONS THAT IMPLEMENT THE  
20 RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN  
21 EDUCATION, COMMONLY KNOWN AS THE "KIRWAN INITIATIVE".

22 (C) THE DEPARTMENT SHALL ADMINISTER THE KIRWAN FUND IN  
23 CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION.

24 (D) (1) THE KIRWAN FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT  
25 SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND  
26 PROCUREMENT ARTICLE.

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

29 (E) THE KIRWAN FUND CONSISTS OF:

30 (1) PROCEEDS OF THE GREENHOUSE GAS POLLUTION FEES  
31 COLLECTED UNDER THIS PART AND DISTRIBUTED UNDER § 2-1220(B) OF THIS



1    **SUBTITLE;**

2                   **(2)    MONEY APPROPRIATED IN THE STATE BUDGET TO THE KIRWAN**  
3    **FUND; AND**

4                   **(3)    ANY OTHER MONEY FROM ANY SOURCE ACCEPTED FOR THE**  
5    **BENEFIT OF THE KIRWAN FUND.**

6           **(F)    THE KIRWAN FUND MAY BE USED ONLY FOR:**

7                   **(1)    PURPOSES AUTHORIZED UNDER THIS SECTION; AND**

8                   **(2)    ADMINISTRATION OF THE KIRWAN FUND, NOT TO EXCEED 5% OF**  
9    **THE MONEY IN THE KIRWAN FUND.**

10           **(G)   (1)   THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
11   **KIRWAN FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

12                   **(2)    ANY INTEREST EARNINGS OF THE KIRWAN FUND SHALL BE**  
13    **CREDITED TO THE KIRWAN FUND.**

14    **2-1222.**

15           **(A)    THERE IS A HOUSEHOLD AND EMPLOYER BENEFIT FUND.**

16           **(B)    THE PURPOSES OF THE BENEFIT FUND ARE TO:**

17                   **(1)    PROVIDE A HIGH DEGREE OF PROTECTION FOR LOW- AND**  
18    **MODERATE-INCOME HOUSEHOLDS IN THE STATE; AND**

19                   **(2)    PROTECT ENERGY-INTENSIVE TRADE-EXPOSED EMPLOYERS IN**  
20    **THE STATE.**

21           **(C)    THE SECRETARY SHALL ADMINISTER THE BENEFIT FUND.**

22           **(D)   (1)   THE BENEFIT FUND IS A SPECIAL, NONLAPSING FUND THAT IS**  
23    **NOT SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND**  
24    **PROCUREMENT ARTICLE.**

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

27           **(E)    THE BENEFIT FUND CONSISTS OF:**

1           (1)    **PROCEEDS OF FEES DISTRIBUTED TO THE BENEFIT FUND UNDER**  
2   **§ 2-1220(C) OF THIS SUBTITLE;**

3           (2)    **MONEY APPROPRIATED IN THE STATE BUDGET TO THE BENEFIT**  
4   **FUND; AND**

5           (3)    **ANY OTHER MONEY FROM ANY SOURCE ACCEPTED FOR THE**  
6   **BENEFIT OF THE BENEFIT FUND.**

7           **(F)    THE BENEFIT FUND MAY BE USED ONLY FOR:**

8               (1)    **PAYMENT OF BENEFITS UNDER THIS SECTION; AND**

9               (2)    **ADMINISTRATION OF THE BENEFIT FUND, NOT TO EXCEED 5% OF**  
10   **THE MONEY IN THE BENEFIT FUND.**

11          **(G)    (1)    THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
12   **BENEFIT FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

13               (2)    **ANY INTEREST EARNINGS OF THE BENEFIT FUND SHALL BE**  
14   **CREDITED TO THE BENEFIT FUND.**

15          **(H)    IN THE BENEFIT FUND THERE ARE THE FOLLOWING SEPARATE**  
16   **ACCOUNTS:**

17               (1)    **THE HOUSEHOLD BENEFIT ACCOUNT, WHICH CONSISTS OF 80%**  
18   **OF THE MONEY IN THE BENEFIT FUND; AND**

19               (2)    **THE EMPLOYER BENEFIT ACCOUNT, WHICH CONSISTS OF 20% OF**  
20   **THE MONEY IN THE BENEFIT FUND.**

21          **(I)    (1)    (I)    MONEY IN THE HOUSEHOLD BENEFIT ACCOUNT SHALL BE**  
22   **DISTRIBUTED AS BENEFITS IN ACCORDANCE WITH THIS SUBSECTION.**

23                       (ii)    1.    **ONE-HALF SHALL BE DISTRIBUTED TO HOUSEHOLDS**  
24   **IN QUINTILE 1.**

25                                       2.    **ONE-THIRD    SHALL    BE    DISTRIBUTED    TO**  
26   **HOUSEHOLDS IN QUINTILE 2.**

27   3.    **ONE-SIXTH SHALL BE DISTRIBUTED TO HOUSEHOLDS**  
28   **IN QUINTILE 3.**

1                   (III) 1. IF THE QUINTILE 1 DISTRIBUTION IS NOT SUFFICIENT  
2 TO ENSURE THAT NO QUINTILE 1 HOUSEHOLD PAYS MORE IN FEES THAN IT  
3 RECEIVES IN BENEFITS, THE QUINTILE 1 DISTRIBUTION SHALL BE INCREASED TO  
4 ENSURE THAT THIS REQUIREMENT IS MET.

5                   2. IF THE DISTRIBUTION TO QUINTILE 1 IS GREATER  
6 THAN ONE-HALF, TWO-THIRDS OF THE FEES REMAINING IN THE HOUSEHOLD  
7 BENEFIT ACCOUNT AFTER DISTRIBUTION TO QUINTILE 1 SHALL BE DISTRIBUTED  
8 TO QUINTILE 2 AND ONE-THIRD TO QUINTILE 3.

9                   (2) (I) EACH QUINTILE'S TOTAL DISTRIBUTION AMOUNT SHALL BE  
10 DIVIDED BY THE SUM OF THE ADULT RESIDENTS IN THAT QUINTILE PLUS ONE-HALF  
11 OF THE MINOR RESIDENTS IN THAT QUINTILE, TO PRODUCE THAT QUINTILE'S  
12 INITIAL BENEFIT.

13                   (II) EACH HOUSEHOLD IN A QUINTILE SHALL RECEIVE A  
14 BENEFIT EQUAL TO THAT QUINTILE'S INITIAL BENEFIT TIMES THE SUM OF THE  
15 NUMBER OF ADULT RESIDENTS IN THE HOUSEHOLD AND ONE-HALF OF THE NUMBER  
16 OF MINOR RESIDENTS IN THE HOUSEHOLD.

17                   (3) ANY MONEY REMAINING IN THE HOUSEHOLD BENEFIT ACCOUNT  
18 AFTER THE DISTRIBUTION OF MONEY IN ACCORDANCE WITH PARAGRAPH (1) OF  
19 THIS SUBSECTION SHALL BE DEPOSITED IN THE INFRASTRUCTURE FUND.

20                   (4) IN PROVIDING BENEFITS FROM FEE PROCEEDS FROM THE  
21 HOUSEHOLD BENEFIT ACCOUNT, THE SECRETARY SHALL COORDINATE WITH THE  
22 COMPTROLLER, THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,  
23 THE DEPARTMENT OF HUMAN SERVICES, AND OTHER UNITS IN MAKING ALL  
24 REASONABLE EFFORTS TO IDENTIFY THE NAMES AND ADDRESSES OF ALL  
25 RESIDENTS, WITH SPECIAL ATTENTION TO THE NAMES AND ADDRESSES OF  
26 LOW-INCOME RESIDENTS, SO THAT THEY CAN RECEIVE BENEFITS EXPEDITIOUSLY.

27                   (5) MONEY DISTRIBUTED FROM THE HOUSEHOLD BENEFIT  
28 ACCOUNT:

29                   (I) MAY NOT BE INCLUDED IN TAXABLE INCOME FOR  
30 PURPOSES OF ANY STATE OR LOCAL INCOME TAX; AND

31                   (II) SHALL, TO THE EXTENT FEASIBLE, BE EXCLUDED FROM  
32 HOUSEHOLD INCOME FOR PURPOSES OF DETERMINING ELIGIBILITY FOR, OR THE  
33 LEVEL OF, ANY FORM OF PUBLIC ASSISTANCE.

1           **(J) (1) MONEY IN THE EMPLOYER BENEFIT ACCOUNT SHALL BE**  
2 **DISTRIBUTED IN ACCORDANCE WITH THIS SUBSECTION.**

3           **(2) THE SECRETARY SHALL USE THE MONEY IN THE EMPLOYER**  
4 **BENEFIT ACCOUNT TO PROVIDE BENEFITS TO EMPLOYERS.**

5           **(3) (I) THE SECRETARY, IN CONSULTATION WITH THE SECRETARY**  
6 **OF COMMERCE, THE SECRETARY OF LABOR, AND THE SECRETARY OF HOUSING AND**  
7 **COMMUNITY DEVELOPMENT, SHALL, WITH SPECIAL ATTENTION TO**  
8 **MANUFACTURING AND AGRICULTURE, IDENTIFY ECONOMIC SECTORS OR ECONOMIC**  
9 **SUBSECTORS THAT ARE ENERGY-INTENSIVE AND TRADE-EXPOSED.**

10           **(II) THE SECRETARY SHALL, AS MITIGATION, CALCULATE THE**  
11 **TOTAL PROCEEDS COLLECTED FROM THESE SECTORS OR SUBSECTORS AND MAY**  
12 **APPORTION PART OR ALL OF THE PROCEEDS TO THE AFFECTED SECTOR OR**  
13 **SUBSECTOR.**

14           **(4) MONEY REMAINING IN THE EMPLOYER BENEFIT ACCOUNT**  
15 **AFTER DISTRIBUTIONS UNDER PARAGRAPH (3) OF THIS SUBSECTION ARE**  
16 **CALCULATED SHALL BE DEPOSITED IN THE INFRASTRUCTURE FUND.**

17           **(K) (1) THE SECRETARY SHALL CONSIDER ALTERNATIVE CALENDAR**  
18 **SCHEDULES FOR DISTRIBUTION OF THE BENEFITS AUTHORIZED UNDER THIS**  
19 **SECTION, INCLUDING PARTIAL OR WHOLE DISTRIBUTIONS EARLY IN THE RELEVANT**  
20 **REVENUE CYCLE AND ON A REGULAR BASIS THROUGHOUT THE REVENUE CYCLE.**

21           **(2) THE METHOD AND SCHEDULE OF DISTRIBUTION OF BENEFITS**  
22 **SHALL TAKE INTO ACCOUNT:**

23           **(I) THE NEEDS OF RESIDENTS AND EMPLOYERS,**  
24 **PARTICULARLY LOW-INCOME HOUSEHOLDS, TO OBTAIN BENEFITS**  
25 **CORRESPONDING TO THE TIME SCHEDULE WHEN THEY WILL BE PAYING**  
26 **GREENHOUSE GAS POLLUTION FEES;**

27           **(II) THE NEED TO MAKE CLEAR TO RESIDENTS AND EMPLOYERS**  
28 **THAT THEY ARE RECEIVING A BENEFIT OF GREENHOUSE GAS POLLUTION FEES THAT**  
29 **IS SEPARATE FROM OTHER TRANSACTIONS THEY MAY HAVE WITH THE STATE; AND**

30           **(III) THE NEED TO MINIMIZE THE ADMINISTRATIVE COSTS OF**  
31 **THE INITIATIVE.**

32           **(L) HOUSEHOLDS AND EMPLOYERS MAY OPT TO RECEIVE A PORTION OR**  
33 **ALL OF THEIR BENEFITS ON THEIR UTILITY BILLS.**

(M) THE SECRETARY MAY ISSUE ADDITIONAL BENEFITS OR DECLARE EXEMPTIONS FROM FEES IN INSTANCES WHERE FEES HAVE BEEN PAID BUT NO EMISSIONS HAVE OCCURRED OR ARE ANTICIPATED TO OCCUR.

2-1223.

(A) THERE IS A CLIMATE CRISIS INFRASTRUCTURE FUND.

(B) (1) THE PURPOSE OF THE INFRASTRUCTURE FUND IS TO INVEST IN INITIATIVES THAT IMPROVE THE HEALTH AND WELFARE OF THE CITIZENS OF THE STATE BY:

(I) EXPANDING THE USE OF CLEAN ENERGY SOURCES AND ENERGY EFFICIENCY IN THE ELECTRICITY AND OTHER ENERGY-CONSUMING SECTORS;

(II) CREATING A CLEANER, MORE JUST, AND MORE EFFICIENT TRANSPORTATION SECTOR THROUGHOUT THE STATE;

(III) PROVIDING FUNDING FOR RESILIENCY AGAINST CLIMATE CHANGE AND WEATHER EVENTS THAT HAVE AN IMPACT ON THE LIVES OF THE CITIZENS OF THE STATE AND ITS ECONOMY;

(IV) SEQUESTERING CARBON IN FORESTS, SOILS, AND WETLANDS; AND

(V) PROMOTING A JUST TRANSITION TO CLEAN ENERGY.

(2) OF THE MONEY IN THE INFRASTRUCTURE FUND, 30% SHALL BE USED TO BENEFIT LOW- AND MODERATE-INCOME RESIDENTS, WITH PRIORITY GIVEN TO HISTORICALLY POLLUTION-BURDENED AND UNDERSERVED COMMUNITIES, INCLUDING BY PROVIDING ACCESS TO AFFORDABLE RENEWABLE ENERGY, ENERGY EFFICIENCY, PUBLIC TRANSPORTATION, AND ASSISTANCE WITH ADAPTING TO IMPACTS OF SEVERE WEATHER AND CLIMATE CHANGE.

(3) WHEREVER FEASIBLE, INVESTMENTS UNDER THIS SECTION SHALL ALSO BE DESIGNED TO CREATE LOCAL ECONOMIC DEVELOPMENT AND EMPLOYMENT IN THE STATE.

(C) THE DEPARTMENT, IN CONSULTATION WITH THE COUNCIL, SHALL ADMINISTER THE INFRASTRUCTURE FUND.

1           **(D) (1) THE INFRASTRUCTURE FUND IS A SPECIAL, NONLAPSING FUND**  
2 **THAT IS NOT SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND**  
3 **PROCUREMENT ARTICLE.**

4           **(2) THE STATE TREASURER SHALL HOLD THE INFRASTRUCTURE**  
5 **FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE**  
6 **INFRASTRUCTURE FUND.**

7           **(E) THE INFRASTRUCTURE FUND CONSISTS OF:**

8           **(1) PROCEEDS OF FEES DISTRIBUTED TO THE INFRASTRUCTURE**  
9 **FUND UNDER § 2-1220(D) OF THIS SUBTITLE;**

10           **(2) ANY EXCESS OF UNSPENT BENEFITS RECEIVED FROM THE**  
11 **BENEFIT FUND UNDER § 2-1222(I)(3) AND (J)(4) OF THIS SUBTITLE;**

12           **(3) PROCEEDS OF MOTOR VEHICLE FEES COLLECTED UNDER §**  
13 **2-1224 OF THIS SUBTITLE;**

14           **(4) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**  
15 **INFRASTRUCTURE FUND; AND**

16           **(5) ANY OTHER MONEY FROM ANY SOURCE ACCEPTED FOR THE**  
17 **BENEFIT OF THE INFRASTRUCTURE FUND.**

18           **(F) THE INFRASTRUCTURE FUND MAY BE USED ONLY FOR:**

19           **(1) PURPOSES AUTHORIZED UNDER THIS SECTION AND §**  
20 **2-1224(F)(2) OF THIS SUBTITLE; AND**

21           **(2) ADMINISTRATION OF THE INFRASTRUCTURE FUND, NOT TO**  
22 **EXCEED 5% OF THE MONEY IN THE INFRASTRUCTURE FUND.**

23           **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**  
24 **INFRASTRUCTURE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE**  
25 **INVESTED.**

26           **(2) ANY INTEREST EARNINGS OF THE INFRASTRUCTURE FUND SHALL**  
27 **BE CREDITED TO THE INFRASTRUCTURE FUND.**

28           **(H) DISBURSEMENTS FROM THE INFRASTRUCTURE FUND SHALL BE**  
29 **AWARDED:**

1           (1)    ON APPROVAL OF THE SECRETARY; AND

2           (2)    ONLY TO PROJECTS THAT ARE CONSISTENT WITH INVESTMENT  
3   PRINCIPLES THE SECRETARY ESTABLISHES IN CONSULTATION WITH THE COUNCIL.

4   2-1224.

5           (A)    A FEE SHALL BE CHARGED ON EACH NEW MOTOR VEHICLE SOLD OR  
6   REGISTERED IN THE STATE WITH A U.S. ENVIRONMENTAL PROTECTION AGENCY  
7   CARBON DIOXIDE POLLUTION RATING EQUAL TO OR HIGHER THAN THE MINIMUM  
8   POLLUTION LEVEL.

9           (B)    THE FEE SHALL BE BASED ON THE RATING BY THE U.S.  
10   ENVIRONMENTAL PROTECTION AGENCY OF THE CARBON DIOXIDE TAILPIPE  
11   EXHAUST OF PASSENGER VEHICLES AND LIGHT TRUCKS.

12          (C)    THE MINIMUM POLLUTION LEVEL SHALL:

13               (1)    BE 400 GRAMS PER MILE IN 2022; AND

14               (2)    DECREASE EACH YEAR BY 10 GRAMS PER MILE.

15          (D)    THE FEE SHALL:

16               (1)    BE \$1.25 TIMES THE U.S. ENVIRONMENTAL PROTECTION  
17   AGENCY'S POLLUTION RATING OF THE MOTOR VEHICLE IN 2022; AND

18               (2)    INCREASE EACH YEAR BY \$0.25 TIMES THE U.S. ENVIRONMENTAL  
19   PROTECTION AGENCY'S POLLUTION RATING OF THE MOTOR VEHICLE.

20          (E)    (1)    THE FEE MAY NOT BE ASSESSED ON THE FOLLOWING TYPES OF  
21   MOTOR VEHICLES:

22                   (I)    COMMERCIAL VEHICLES USED FOR TRANSPORTING GOODS;

23                   (II)   AGRICULTURAL VEHICLES;

24                   (III)   PUBLIC TRANSPORTATION VEHICLES;

25                   (IV)   AMBULANCES; AND

26                   (V)    STATE-, COUNTY-, OR MUNICIPALITY-OWNED VEHICLES  
27   THAT ARE NOT USED STRICTLY AS PASSENGER VEHICLES.

**(2) ON OR BEFORE JULY 1, 2027, THE DEPARTMENT OF TRANSPORTATION:**

**(I) SHALL REVIEW THE EXEMPTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND**

**(II) MAY RECOMMEND TO THE SECRETARY THE MODIFICATION OR ELIMINATION OF ANY OF THE EXEMPTIONS.**

**(F) REVENUES COLLECTED BY THE FEE ON NEW MOTOR VEHICLES UNDER THIS SECTION SHALL BE:**

**(1) DEPOSITED IN THE INFRASTRUCTURE FUND; AND**

**(2) AS A PRIORITY, USED TO:**

**(I) PROVIDE REBATES ON THE SALE OF ELECTRIC VEHICLES;**

**(II) PURCHASE ELECTRIC TRANSIT AND SCHOOL BUSES; AND**

**(III) EXPAND ELECTRIC VEHICLE INFRASTRUCTURE.**

**2-1225.**

**(A) THE SECRETARY MAY NOT BE SUBJECT TO PENALTIES OR ACTIONS FOR DAMAGES IF THE FEES COLLECTED UNDER THIS PART ARE NOT EQUAL TO THE BENEFITS RETURNED UNDER THIS PART.**

**(B) THE SECRETARY SHALL MAKE ALL REASONABLE EFFORTS TO RETURN, AS BENEFITS TO RESIDENTS AND EMPLOYERS IN THE AGGREGATE, ALL FEES COLLECTED BY THE SECRETARY UNDER THIS PART OTHER THAN MONEY DEPOSITED IN THE KIRWAN FUND AND THE INFRASTRUCTURE FUND.**

**2-1226.**

**(A) ON OR BEFORE JULY 1, 2023, THE SECRETARY SHALL STUDY AND REPORT ON THE FEASIBILITY OF IMPOSING AND COLLECTING ADDITIONAL GREENHOUSE GAS EMISSION FEES ON FUGITIVE EMISSIONS AND INTENTIONAL RELEASES OF METHANE FROM NATURAL GAS INFRASTRUCTURE.**

**(B) THE REPORT SHALL INCLUDE AN ANALYSIS OF THE FEASIBILITY AND EXPENSE OF:**



(1) CALCULATING A REASONABLY ACCURATE CURRENT STATISTICAL BASELINE, SPECIFIC TO THE STATE, OF FUGITIVE EMISSIONS AND INTENTIONAL RELEASES; AND

(2) DEVELOPING AND DEPLOYING A MEANS OF CALCULATING REASONABLY ACCURATE UPDATES OF PROGRESS OR LACK OF PROGRESS IN REDUCING FUGITIVE EMISSIONS AND INTENTIONAL RELEASES.

(C) THE SECRETARY SHALL SUBMIT THE REPORT, INCLUDING ANY RECOMMENDED LEGISLATIVE OR REGULATORY CHANGES, TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(D) THE REPORT MAY BE INCLUDED IN THE REPORT REQUIRED UNDER § 2-1219(N) OF THIS SUBTITLE.

2-1227.

THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, AND THE SECRETARY OF HUMAN SERVICES, EACH YEAR SHALL IDENTIFY MEASURES AND PROGRAMS BEST CALCULATED TO ENSURE THE PROVISION OF LOW-INCOME ENERGY ASSISTANCE AND IMPROVEMENTS IN THE ENERGY EFFICIENCY OF RENTER-OCCUPIED DWELLINGS IN THE STATE.

2-1228.

THE SECRETARY, IN CONSULTATION WITH THE COMMISSION, SHALL ADOPT REGULATIONS TO CARRY OUT THIS PART.

#### 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:

1                                   121. the Markell Hendricks Youth Crime Prevention and  
2 Diversion Parole Fund; [and]

3                                   122. the Federal Government Shutdown Employee Assistance  
4 Loan Fund;

5                                   **123. THE CLIMATE CRISIS INFRASTRUCTURE FUND;**

6                                   **124. THE HOUSEHOLD AND EMPLOYER BENEFIT FUND;**  
7 **AND**

8                                   **125. THE KIRWAN INITIATIVE FUND.**

9                   SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2020.