

10 **AN ACT CONCERNING**

20 Economic Development – Responsible Spending – Green Energy Public Investment

30 FOR the purpose of stimulating the Maryland economy with a fiscally responsible spending plan that
40 is budget neutral.

50 FOR the purpose of authorizing and establishing a new Commission of Environmentally Sustainable
Economic Development funded by a consumer electronic excise tax.

60 FOR the purpose of creating jobs across the State of Maryland.

70 BY adding to

80 Article TAX – GENERAL

90 Title 14 – ENVIRONMENTAL EXCISE TAXES

100 Section §1–101, §2–101, §3–101

110 Annotated Code of Maryland

120 BY adding to

130 Article ECONOMIC DEVELOPMENT

140 Title 15 – ENVIRONMENTALLY SUSTAINABLE ECONOMIC DEVELOPMENT

150 Section §9–102, §9–104, §9–106, §9–110

160 Annotated Code of Maryland

170 **SECTION 1.** BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the laws
180 of Maryland read as follows:

190 **Article – TAX – GENERAL**

200 **Title 14 – ENVIRONMENTAL EXCISE TAXES**

210 **§1–101. APPLICATION OF CONSUMER ELECTRONICS EXCISE TAX**

220 **(a.) DEFINITION OF APPLICATION OF EXCISE TAX**

230 (1) THE APPLICATION OF THIS EXCISE TAX WILL
240 ONLY APPLY TO ALL PURCHASES MADE ON
250 TELEVISIONS AND COMPUTER MONITORS.

260 (i) THE APPLICATION OF THIS EXCISE TAX
270 INCLUDES THE PURCHASE OF PERSONAL
280 LAPTOPS AS MONITORS ARE BUILT IN.

290 (2) THE APPLICATION OF THIS EXCISE TAX WILL
300 ONLY APPLY TO THE FIRSTHAND SALES OF ALL
310 PRODUCTS MENTIONED IN SUB-PARAGRAPH (1) AND
320 SUB-CLAUSE (i) OF SUB-PARAGRAPH (1) IN
330 SUBSECTION (A) OF THIS SECTION BY ANY
340 COMMERCIAL RETAILER.

350 (i) FIRSTHAND SALES ARE THOSE MADE BY
360 COMMERCIAL RETAILERS WHOSE
370 REVENUES ARE TAXABLE BY THE
380 GOVERNMENT OF THE STATE OF
390 MARYLAND AND/OR THE GOVERNMENT OF
400 THE UNITED STATES OF AMERICA.

410 (ii) THE APPLICATION OF THIS TAX WILL BE
420 MADE ONTO COMMERCIAL RETAILERS
430 WHOSE SALES ARE CONDUCTED VIA
440 PHYSICAL COMMERCE OR ELECTRONIC
450 COMMERCE

460 (3.) THE APPLICATION OF THIS EXCISE TAX WILL BE
470 OCCUR AFTER THE APPLICATION OF THE
480 MARYLAND STATE SALES TAX AND WILL NOT BE
490 INCLUDED IN THE CALCULATION OF MARYLAND
500 STATES SALES TAX FOR PURCHASES UNDER THE

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CONDITIONS SPECIFIED IN SUBSECTION (a.) OF THIS SECTION.

(b.) DEFINITION OF MONETARY AMOUNT OF EXCISE TAX

(1) THE EXCISE TAX WILL BE APPLIED UNDER ALL CONDITIONS SPECIFIED IN SUBSECTION (a.) OF THIS SECTION.

(2) THE MONETARY AMOUNT WILL BE ONE U.S. DOLLAR PER INDIVIDUAL RETAIL PURCHASE MET UNDER THE CONDITIONS SPECIFIED IN SUBSECTION (a.) OF THIS SECTION.

(i.) THIS [ONE U.S. DOLLAR] AMOUNT CAN BE INDEXED TO THE RATE OF INFLATION AS DETERMINED BY THE NATIONAL INFLATION OR CONSUMER PRICE INDEX.

(ii) THIS [ONE U.S. DOLLAR] AMOUNT WILL BE INDEXED TO INFLATION EVERY THREE YEARS UNLESS THE INFLATION RATE IS NEGATIVE OR THE CURRENT FISCAL YEAR’S INFLATION RATE EXCEEDS 4%.

§2-101. COLLECTION OF CONSUMER ELECTRONICS EXCISE TAX

(a.) TIME OF COLLECTION

(1) THE TAX UNDER THE CONDITIONS OF §1-101 WILL BE COLLECTED ANNUALLY AT THE SAME TIME AS OTHER MARYLAND TAXES.

§3-101. JURISDICTION OF CONSUMER ELECTRONICS EXCISE TAX

(a.) APPROPRIATION OF EXCISE TAX REVENUES

(1) AFTER THE COLLECTION OF THE EXCISE TAX UNDER THE CONDITIONS SPECIFIED IN §1-101 AND §2-101, ALL REVENUES FROM SAID EXCISE TAX WILL BE GIVEN EXPLICITLY AND SOLELY TO THE COMMISSION OF ENVIRONMENTALLY SUSTAINABLE ECONOMIC DEVELOPMENT ESTABLISHED IN §1-101 OF TITLE 15 – ENVIRONMENTALLY SUSTAINABLE ECONOMIC DEVELOPMENT OF ARTICLE ECONOMIC DEVELOPMENT OF THE ANNOTATED CODE OF MARYLAND.

(2) THE APPROPRIATION OF THESE REVENUES AS SPECIFIED IN §1-101, §2-101, AND §3-101 MAY ONLY BE CHANGED BY LEGISLATIVE STATUTE OF THE GENERAL ASSEMBLY OF MARYLAND.

(b.) APPROPRIATE EXTEMPORANEOUS LEGISLATION

(1.) THE GENERAL ASSEMBLY OF MARYLAND MAY PASS LEGISLATION NECESSARY AND PROPER TO THE EXECUTION OF THE PROVISIONS OF TITLE 14 – ENVIRONMENTAL EXCISE TAXES OF ARTICLE TAX – GENERAL.

Article – ECONOMIC DEVELOPMENT

Title 15 – ENVIRONMENTALLY SUSTAINABLE ECONOMIC DEVELOPMENT

§1-101. CREATION OF NEW COMMISSION

(a.) DEFINITION OF NEW COMMISSION

(1) UNDER TITLE 15 – ENVIRONMENTALLY SUSTAINABLE ECONOMIC DEVELOPMENT OF

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ARTICLE – ECONOMIC DEVELOPMENT OF THE ANNOTATED CODE OF MARYLAND, THE COMMISSION OF ENVIRONMENTALLY SUSTAINABLE ECONOMIC DEVELOPMENT (HEREBY REFERED TO AS THE, THIS, COMMISSION) WILL BE ESTABLISHED UNDER THE DEPARTMENT OF ECONOMIC DEVELOPMENT OF MARYLAND.

(2) THIS COMMISSION WILL CONSIST OF 6 MEMBERS APPOINTED BY THE GOVERNOR OF MARYLAND AND APPROVED BY THE SENATE OF MARYLAND. THE COMMISSION MEMBERS WILL SERVE THREE YEAR TERMS.

(3) THIS COMMISSION WILL BE FUNDED FOR ITS ADMINISTRATIVE COSTS THROUGH THE MARYLAND DEPARTMENT OF ECONOMIC DEVELOPMENT.

(4) THIS COMMISSION MAY DECIDE AND WRITE ITS OWN INTERNAL RULES OF CONDUCT AS LONG AS THEY DO NOT VIOLATE THE CONDITIONS OF TITLE 15 – ENVIRONMENTALLY SUSTAINABLE ECONOMIC DEVELOPMENT OF ARTICLE ECONOMIC DEVELOPMENT OF THE ANNOTATED CODE OF MARYLAND.

§2-101. POWERS OF THE NEW COMMISSION

(a.) *COMMISSION SPENDING SOURCES* - THE COMMISSION MAY ONLY SPEND THE TAX REVENUES APPROPRIATED TO IT UNDER THE CONDITIONS SPECIFIED IN TITLE 14 – ENVIRONMENTAL EXCISE TAXES OF ARTICLE TAX – GENERAL.

(b.) *COMMISSION SPENDING OUTPUTS* - THE COMMISSION MAY ONLY SPEND ITS REVENUES ON GREEN ENERGY AND/OR GREEN TECHNOLOGY INVESTMENTS AND/OR PUBLIC WORKS PROJECTS AS DEMONSTRATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, THE MARYLAND DEPARTMENT OF THE ENVIRONMENT, OR THE MARYLAND DEPARTMENT OF NATURAL RESOURCES.

(i) THE SPENDING MAY ONLY BE FOR GREEN ENERGY AND/OR GREEN TECHNOLOGY INVESTMENTS AND/OR PUBLIC WORKS PROJECTS INSIDE THE GEOGRAPHICAL BOUNDARIES OF THE STATE OF MARYLAND.

(c.) *COMMISSION SPENDING AUTONOMY* – THE COMMISSION’S SPENDING DECISIONS MAY NOT BE OVERRIDEN, NULLIFIED, VOIDED, OR OTHERWISE DISRUPTED UNLESS THEY VIOLATE THE CONDITIONS OF SUBSECTIONS (A.) AND (B.) OF THIS SECTION.

(i) ONLY THE GENERAL ASSEMBLY OF MARYLAND MAY OVERRIDE, NULLIFY, VOID, OR OTHERWISE DISRUPT IF THE SPENDING DECISIONS DO NOT MEET THE

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CONDITIONS OF SUBSECTIONS (A.) AND (B.)
OF THIS SECTION OR OTHERWISE ARE
UNETHICAL, ILLEGAL, OR UNBECOMING OF
THE PURPOSE OF THIS ACT.

(d.) COMMISSION SPENDING TIMING – THE
COMMISSION MAY EITHER (1.) SPEND ALL ITS
REVENUES IN A GIVEN YEAR, (2.) IMPOUND ANY
UNSPENT REVENUES WHICH CAN BE USED IN LATER
YEARS UNDER CONDITIONS OF SUBSECTION (B.) OF
THIS SECTION, OR (3.) AT THE START OF THE FISCAL
YEAR, IMPOUND ALL REVENUE FUNDS FOR THE
NEXT FIVE YEARS IN ORDER TO SAVE AND SPEND
FOR LARGER PROJECTS UNDER THE CONDITIONS OF
SUBSECTION (B.) OF THIS SECTION AT THE
BEGINNING OF THE SIXTH YEAR MARKED FROM
THE START OF THE FIVE YEAR IMPOUNDMENT.

§3-101. TRANSPARENCY OF THE NEW COMISSION

**(a.) REPORTS TO THE GENERAL ASSEMBLY OF
MARYLAND**

(1) AT THE END OF EVERY FISCAL YEAR, THE
COMMISSION MUST REPORT TO THE
GENERAL ASSEMBLY OF MARYLAND THE
ALLOCATION OF EVERY PENNY SPENT
AND/OR EVERY PENNY IMPOUNDED EACH
YEAR.

(2) AT THE END OF EVERY FISCAL YEAR, THE
COMMISSION MUST REPORT THE RETURNS
ON INVESTMENTS UNDER CONDITIONS OF
SUBSECTION (B.) OF SECTION 2 AND/OR THE
ECONOMIC EFFECTS OF SPENDING ON
PUBLIC WORKS PROJECTS UNDER
CONDITIONS OF SUBSECTION (B.) OF
SECTION 2.

**(b.) REPORTS TO THE COMMISSION FROM THE
GENERAL ASSEMBLY OF MARYLAND.**

(1) THE COMMISSION MUST ACCEPT AND
CONSIDER ANY REPORTS SUBMITTED BY
THE GENERAL ASSEMBLY OF MARYLAND
CONCERNING POTENTIAL SPENDING
OPPORTUNITIES AND/OR DECISIONS
REGARDING SPENDING VS. IMPOUNDMENT,

(c.) INVESTIGATION OF THE COMMISSION

(1) THE MARYLAND ATTORNEY GENERAL
MAY INVESTIGATE THE COMMISSION ONLY
UNDER AUTHORIZATION BY THE GENERAL
ASSEMBLY OF MARYLAND IF UNDER
REASONABLE SUSPICION THE COMMISSION
HAS COMMITTED OR CONDONED ANY
UNETHICAL, ILLEGAL, OR OTHERWISE
UNBECOMING ACTS.

(i) THE ATTORNEY GENERAL ONLY
WOULD HAVE INVESTIGATORY
JURISDICTION OVER CRIMES
DIRECTLY RELATED AND PERTINENT
TO THE ACTIONS OR EVENTS THAT

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CREATED THE REASONABLE
SUSPICION OF SUB-PARAGRAPH (1).
(ii) IF ANY VIOLATIONS ARE FOUND
UNDER THE CONDITIONS OF SUB-
PARAGRAPH (1), THEN THE GENERAL
ASSEMBLY MAY REMOVE THE
AFFECTED MEMBERS OF THE
COMMISSION AND CONTINUE WITH
NORMAL CRIMINAL OR CIVIL
PROCEEDINGS.

(d.) APPROPRIATE LEGISLATION – THE
GENERAL ASSEMBLY OF MARYLAND MAY
PASS AND NECESSARY AND PROPER
LEGISLATION REGARDING THE EXECUTION
AND CREATION OF THE COMMISSION AS
LONG AS IT DOES NOT VIOLATE ANY
CONDITIONS OF §1–101, §2–101, AND §3–101.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the
application thereof to any person or circumstance is held invalid for any reason in a court of
competent jurisdiction, the invalidity does not affect other provisions or any other application of
this Act which can be given effect without the invalid provision or application, and for provisions
of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That all laws or parts of laws, public general
or public local, inconsistent with this Act, are repealed to the extent of the inconsistency.

SECTION 4. AND BE IT FURTHER ENACTED, That this act shall take effect one year after
passing the General Assembly of Maryland.

MANDATES:

- Martin O. Malley, Governor of Maryland
- Christian S. Johansson, Secretary of Business & Economic Development
- Shari T. Wilson, Secretary of the Environment
- T. Eloise Foster, Secretary of Budget & Management
- Kathy Klausmeier, State Senator for District 8, Baltimore County

SPONSOR:

Kevin Baier, St. Mary’s College of Maryland

CO-SPONSOR:

- Chris Ingraham, DCP, St. Mary’s College of Maryland
- Kate Monahan, Secretary, St. Mary’s College of Maryland
- Emily Gershon, Treasurer, St. Mary’s College of Maryland
- Tom Capone, St. Mary’s College of Maryland