

SENATE BILL 1082

C5, M5, P2

4lr2120
CF 4lr2845

By: **Senator Hester**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Solar Energy and Energy Storage – Development and State Procurement**

3 FOR the purpose of authorizing a county to enact a local law creating a conservation and
4 restoration fund for a certain purpose; establishing the Utility–Scale Solar Design
5 and Siting Commission in the Power Plant Research Program to provide
6 recommendations related to solar energy development and land conservation and
7 preservation; requiring the owner or operator of a certain solar energy generating
8 station to plant and maintain a certain cover crop on the land on which the station
9 is located and submit a certain vegetation management plan to a certain entity;
10 requiring the Public Service Commission, in consultation with certain other entities,
11 to develop certain model standards for energy storage permitting and fire
12 suppression; requiring the Department of General Services, in consultation with the
13 Public Service Commission, to procure a certain amount of solar energy each year
14 for a certain number of years for a certain purpose; requiring the State to offer for
15 sale certain energy or associated renewable energy credits under certain
16 circumstances; exempting the State from certain renewable energy portfolio
17 standard requirements under certain circumstances; establishing certain labor
18 requirements for certain solar energy developers; requiring the Maryland Energy
19 Administration’s Solar Technical Assistance Program to analyze State–owned land
20 for solar development and create a certain database; requiring each electric company
21 to submit certain information to the Administration for a certain purpose; requiring
22 the Maryland Agricultural Land Preservation Foundation to submit a report on
23 certain property and easements to the Solar Technical Assistance Program and the
24 General Assembly on or before a certain date; stating the intent of the General
25 Assembly that a certain number of positions be created in the Department of Natural
26 Resources for positions that will focus on providing certain support and guidance to
27 local governments; and generally relating to the development of solar energy and
28 energy storage technology in the State.

29 BY adding to

30 Article – Local Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Section 12–905
Annotated Code of Maryland
(2013 Volume and 2023 Supplement)

BY adding to
Article – Natural Resources
Section 3–306.2
Annotated Code of Maryland
(2023 Replacement Volume and 2023 Supplement)

BY adding to
Article – Public Utilities
Section 7–215.1 and 7–216.2
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY adding to
Article – State Finance and Procurement
Section 4–325 to be under the new part “Part IV. State Purchase of Solar Energy”
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to
Article – State Government
Section 9–2016
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

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

Article – Local Government

12–905.

(A) IN THIS SECTION, “GENERATING STATION” HAS THE MEANING STATED
IN § 7–207 OF THE PUBLIC UTILITIES ARTICLE.

(B) THIS SECTION APPLIES TO ALL COUNTIES.

(C) A COUNTY MAY ENACT A LOCAL LAW TO:

(1) CREATE A CONSERVATION AND RESTORATION FUND;

(2) REQUIRE A DEVELOPER OF A SOLAR GENERATING STATION TO
PAY A REASONABLE AMOUNT INTO A CONSERVATION AND RESTORATION FUND IF

1 THE SOLAR GENERATING STATION IS ON LAND ZONED FOR AGRICULTURAL USE OR
2 SILVICULTURAL USE; AND

3 (3) REQUIRE THAT THE FUND UNDER ITEM (1) OF THIS SUBSECTION
4 BE USED FOR:

5 (I) CONSERVATION OR RESTORATION OF AGRICULTURAL,
6 ENVIRONMENTAL, OR HISTORICALLY SENSITIVE AREAS; AND

7 (II) INCENTIVES FOR SOLAR DEVELOPMENT.

8 Article – Natural Resources

9 3–306.2.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) “COMMISSION” MEANS THE UTILITY–SCALE SOLAR DESIGN AND
13 SITING ADVISORY COMMISSION.

14 (3) “GENERATING STATION” HAS THE MEANING STATED IN § 7–207 OF
15 THE PUBLIC UTILITIES ARTICLE.

16 (B) THERE IS A UTILITY–SCALE SOLAR DESIGN AND SITING ADVISORY
17 COMMISSION IN THE PROGRAM.

18 (C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:

19 (1) ONE REPRESENTATIVE OF A WESTERN COUNTY IN THE STATE
20 WHO HAS LAND USE EXPERIENCE, DESIGNATED BY THE MARYLAND ASSOCIATION
21 OF COUNTIES;

22 (2) ONE REPRESENTATIVE OF A SOUTHERN COUNTY IN THE STATE
23 WHO HAS LAND USE EXPERIENCE, DESIGNATED BY THE MARYLAND ASSOCIATION
24 OF COUNTIES;

25 (3) ONE REPRESENTATIVE OF A CENTRAL COUNTY IN THE STATE
26 WHO HAS LAND USE EXPERIENCE, DESIGNATED BY THE MARYLAND ASSOCIATION
27 OF COUNTIES;

28 (4) ONE REPRESENTATIVE OF AN EASTERN COUNTY IN THE STATE
29 WHO HAS LAND USE EXPERIENCE, DESIGNATED BY THE MARYLAND ASSOCIATION
30 OF COUNTIES;

1 **(5) ONE REPRESENTATIVE OF A RURAL MUNICIPALITY IN THE STATE**
2 **WHO HAS LAND USE EXPERIENCE, DESIGNATED BY THE MARYLAND MUNICIPAL**
3 **LEAGUE;**

4 **(6) ONE REPRESENTATIVE OF AN URBAN MUNICIPALITY IN THE**
5 **STATE WITH LAND USE EXPERIENCE, DESIGNATED BY THE MARYLAND MUNICIPAL**
6 **LEAGUE;**

7 **(7) ONE REPRESENTATIVE APPOINTED BY THE DEPARTMENT;**

8 **(8) ONE REPRESENTATIVE APPOINTED BY THE DEPARTMENT OF**
9 **AGRICULTURE;**

10 **(9) ONE REPRESENTATIVE APPOINTED BY THE DEPARTMENT OF**
11 **PLANNING;**

12 **(10) ONE REPRESENTATIVE APPOINTED BY THE DEPARTMENT OF THE**
13 **ENVIRONMENT;**

14 **(11) ONE REPRESENTATIVE APPOINTED BY THE MARYLAND ENERGY**
15 **ADMINISTRATION;**

16 **(12) ONE REPRESENTATIVE APPOINTED BY THE CHAIR OF THE PUBLIC**
17 **SERVICE COMMISSION;**

18 **(13) THREE REPRESENTATIVES OF THE SOLAR DEVELOPMENT**
19 **INDUSTRY, APPOINTED BY THE MARYLAND ENERGY ADMINISTRATION AS FOLLOWS:**

20 **(I) AT LEAST ONE REPRESENTATIVE OF THE COMMUNITY**
21 **SOLAR INDUSTRY; AND**

22 **(II) AT LEAST ONE REPRESENTATIVE OF THE UTILITY-SCALE**
23 **SOLAR INDUSTRY;**

24 **(14) ONE REPRESENTATIVE DESIGNATED BY THE MARYLAND FARM**
25 **BUREAU;**

26 **(15) ONE REPRESENTATIVE OF AN ENVIRONMENTAL NONPROFIT**
27 **ORGANIZATION IN THE STATE, APPOINTED BY THE DEPARTMENT OF THE**
28 **ENVIRONMENT;**

1 **(16) ONE REPRESENTATIVE OF AN ENVIRONMENTAL JUSTICE**
2 **COMMUNITY, APPOINTED BY THE DEPARTMENT OF THE ENVIRONMENT;**

3 **(17) ONE REPRESENTATIVE OF A LAND PRESERVATION**
4 **ORGANIZATION, APPOINTED BY THE DEPARTMENT; AND**

5 **(18) THE SECRETARY, OR THE SECRETARY'S DESIGNEE.**

6 **(D) THE SECRETARY, OR THE SECRETARY'S DESIGNEE, SHALL SERVE AS**
7 **CHAIR OF THE COMMISSION.**

8 **(E) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.**

9 **(F) ON OR BEFORE DECEMBER 1, 2024, THE COMMISSION SHALL PROVIDE**
10 **TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
11 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY RECOMMENDATIONS ON:**

12 **(1) BALANCING COMPETING GOALS RELATED TO SOLAR ENERGY**
13 **DEVELOPMENT AND LAND CONSERVATION AND PRESERVATION;**

14 **(2) THE APPROPRIATE APPROACH FOR SOLAR DEVELOPMENT ON**
15 **PRIME AND PRODUCTIVE SOILS THAT:**

16 **(I) DOES NOT INCLUDE SPECIFIC SOIL CLASSIFICATION**
17 **PROHIBITIONS; AND**

18 **(II) CONSIDERS THE IMPACT ON LOCAL PROGRAMS OF**
19 **AGRICULTURAL LAND PRESERVATION APPROVED UNDER § 2-512 OF THE**
20 **AGRICULTURE ARTICLE;**

21 **(3) SETBACK RANGES AND SCREENING REQUIREMENTS THAT**
22 **CONSIDER THE STATE'S GEOGRAPHIC DIVERSITY, NATIVE VEGETATION, AND**
23 **STORMWATER MANAGEMENT;**

24 **(4) ENCOURAGING THE DEVELOPMENT OF SOLAR ENERGY**
25 **GENERATING STATIONS ON BROWNFIELDS, PARKING LOTS, AND OTHER AREAS; AND**

26 **(5) PRESERVING FORESTS, SOIL, AND NATURAL RESOURCES.**

27 **(G) ON OR BEFORE DECEMBER 1, 2025, THE COMMISSION SHALL PROVIDE**
28 **TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
29 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY RECOMMENDATIONS ON:**

(1) BEST PRACTICES FOR SITING SOLAR ENERGY GENERATING STATIONS WITH A GENERATING CAPACITY OF 2 MEGAWATTS OR MORE;

(2) ESTABLISHING A MODEL POLICY FOR THE DEVELOPMENT OF SOLAR ENERGY GENERATING STATIONS WITH A GENERATING CAPACITY OF 2 MEGAWATTS OR MORE IN EACH COUNTY TO MEET THE STATE'S SOLAR ENERGY COMMITMENTS UNDER TITLE 7, SUBTITLE 7 OF THE PUBLIC UTILITIES ARTICLE;

(3) METHODS BY WHICH A LOCAL JURISDICTION MAY PRIORITIZE THE DEVELOPMENT OF SOLAR ENERGY WITH OTHER LOCAL NEEDS; AND

(4) DECOMMISSIONING STANDARDS FOR SOLAR ENERGY GENERATING STATIONS.

(H) THE COMMISSION SHALL CONVENE AT LEAST ONCE EVERY 10 YEARS TO PROVIDE TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY RECOMMENDATIONS ON:

(1) BEST PRACTICES FOR SITING SOLAR ENERGY GENERATING STATIONS WITH A GENERATING CAPACITY OF 2 MEGAWATTS OR MORE;

(2) ADAPTING TO CHANGES IN TECHNOLOGY;

(3) MEETING STATE ENERGY GOALS; AND

(4) ANY OTHER ISSUE THE COMMISSION CONSIDERS APPROPRIATE.

Article – Public Utilities

7-215.1.

(A) THIS SECTION APPLIES TO A GROUND-MOUNTED SOLAR ENERGY GENERATING STATION LOCATED IN THE STATE THAT:

(1) HAS THE CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF ELECTRICITY; AND

(2) IS DESIGNED TO PRODUCE ELECTRICITY FOR SALE ON THE WHOLESALE MARKET.

(B) (1) THE OWNER OR OPERATOR OF A GROUND-MOUNTED SOLAR ENERGY GENERATING STATION SHALL:

(I) IN CONSULTATION WITH THE UNIVERSITY OF MARYLAND EXTENSION, PLANT AND MAINTAIN ON THE LAND ON WHICH THE STATION IS LOCATED A COVER CROP THAT IS BENEFICIAL TO SOIL HEALTH AND REGENERATION AND PROVIDES CARBON SEQUESTRATION; AND

(II) SUBMIT TO THE UNIVERSITY OF MARYLAND EXTENSION A VEGETATION MANAGEMENT PLAN DESIGNED TO MITIGATE HARM TO NATIVE VEGETATION AND POLLINATOR HABITATS.

(2) THE REQUIREMENT TO PLANT A COVER CROP UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION DOES NOT APPLY TO LAND THAT IS ADJACENT TO THE LAND ON WHICH THE SOLAR ENERGY GENERATING STATION IS LOCATED.

7-216.2.

(A) IN THIS SECTION, “ENERGY STORAGE DEVICE” HAS THE MEANING STATED IN § 7-216 OF THIS SUBTITLE.

(B) THE COMMISSION, IN CONSULTATION WITH THE POWER PLANT RESEARCH PROGRAM, THE COMMISSION’S ENERGY STORAGE WORKING GROUP, AND THE STATE FIRE MARSHAL, SHALL DEVELOP FOR ADOPTION BY THE STATE OR LOCAL GOVERNMENTS:

(1) MODEL PERMITTING STANDARDS FOR ENERGY STORAGE DEVICES; AND

(2) MODEL FIRE SUPPRESSION STANDARDS AND REQUIREMENTS FOR ENERGY STORAGE DEVICES.

Article – State Finance and Procurement

4-323. RESERVED.

4-324. RESERVED.

PART IV. STATE PURCHASE OF SOLAR ENERGY.

4-325.

(A) ON OR BEFORE DECEMBER 31, 2025, AND EACH DECEMBER 31 THEREAFTER THROUGH 2035, THE DEPARTMENT, IN CONSULTATION WITH THE PUBLIC SERVICE COMMISSION, SHALL PROCURE 200 MEGAWATTS OF SOLAR ENERGY TO MEET THE STATE’S ENERGY NEEDS, THE STATE’S RENEWABLE ENERGY

1 PORTFOLIO STANDARD, AND THE STATE'S NET-ZERO STATEWIDE GREENHOUSE GAS
2 EMISSIONS REDUCTION GOALS.

3 (B) THE DEPARTMENT, IN CONSULTATION WITH THE PUBLIC SERVICE
4 COMMISSION:

5 (1) SHALL ISSUE A COMPETITIVE SEALED PROCUREMENT
6 SOLICITATION FOR THE SOLAR ENERGY REQUIRED UNDER SUBSECTION (A) OF THIS
7 SECTION; AND

8 (2) MAY ENTER INTO AT LEAST ONE CONTRACT FOR A POWER
9 PURCHASE AGREEMENT TO PROCURE SOLAR ENERGY.

10 (C) THE STATE SHALL:

11 (1) OFFER FOR SALE ANY ENERGY OR RENEWABLE ENERGY CREDITS
12 REMAINING AFTER THE STATE HAS MET ITS RENEWABLE ENERGY PORTFOLIO
13 STANDARD REQUIREMENTS UNDER § 7-703 OF THE PUBLIC UTILITIES ARTICLE ON
14 THE COMPETITIVE WHOLESALE POWER MARKET OPERATED BY PJM
15 INTERCONNECTION, THROUGH BILATERAL SALES TO CREDIT-WORTHY
16 COUNTERPARTIES, OR INTO RENEWABLE ENERGY CREDIT MARKETS; AND

17 (2) BE EXEMPTED FROM THE RENEWABLE ENERGY PORTFOLIO
18 STANDARD REQUIREMENTS UNDER § 7-703 OF THE PUBLIC UTILITIES ARTICLE IF
19 THE DEPARTMENT PROCURES 100% OF THE STATE'S ENERGY NEEDS FROM A
20 POWER PURCHASE AGREEMENT REQUIRED UNDER SUBSECTION (B) OF THIS
21 SECTION.

22 (D) EACH CONTRACT ENTERED INTO UNDER SUBSECTION (B) OF THIS
23 SECTION SHALL:

24 (1) INCLUDE A COMMUNITY BENEFIT AGREEMENT FOR A SOLAR
25 ENERGY DEVELOPER; AND

26 (2) BE SUBJECT TO A PROJECT LABOR AGREEMENT FOR A SOLAR
27 ENERGY DEVELOPER THAT:

28 (I) BINDS ALL CONTRACTORS AND SUBCONTRACTORS ON A
29 CONTRACT THROUGH THE INCLUSION OF SPECIFICATIONS IN ALL RELEVANT
30 SOLICITATION PROVISIONS AND CONTRACT DOCUMENTS;

31 (II) ALLOWS ALL CONTRACTORS AND SUBCONTRACTORS TO
32 COMPETE FOR CONTRACTS AND SUBCONTRACTS ON THE PROJECT WITHOUT

REGARD TO WHETHER THEY ARE OTHERWISE PARTIES TO COLLECTIVE BARGAINING AGREEMENTS;

(III) ESTABLISHES UNIFORM TERMS AND CONDITIONS OF EMPLOYMENT FOR ALL CONSTRUCTION LABOR EMPLOYED ON A PROJECT;

(IV) GUARANTEES AGAINST STRIKES, LOCKOUTS, AND SIMILAR JOB DISRUPTIONS;

(V) ESTABLISHES MUTUALLY BINDING PROCEDURES FOR LABOR DISPUTES; AND

(VI) INCLUDES ANY OTHER PROVISIONS NEGOTIATED BY THE PARTIES TO PROMOTE SUCCESSFUL DELIVERY OF SOLAR ENERGY.

Article – State Government

9–2016.

(A) ON OR BEFORE DECEMBER 1, 2025, TO ASSIST THE STATE IN MEETING ITS SOLAR ENERGY COMMITMENTS UNDER TITLE 7, SUBTITLE 7 OF THE PUBLIC UTILITIES ARTICLE, THE ADMINISTRATION’S SOLAR TECHNICAL ASSISTANCE PROGRAM, IN CONSULTATION WITH THE DEPARTMENT, THE DEPARTMENT OF NATURAL RESOURCES, AND THE DEPARTMENT OF PLANNING, SHALL:

(1) ANALYZE LAND IN THE STATE TO IDENTIFY LAND SUITABLE FOR SOLAR ENERGY DEVELOPMENT TO ASSIST THE STATE IN MEETING ITS SOLAR ENERGY COMMITMENTS UNDER TITLE 7, SUBTITLE 7 OF THE PUBLIC UTILITIES ARTICLE;

(2) DEVELOP A DATABASE, SORTED BY COUNTY, IDENTIFYING AND RECOMMENDING STATE LAND SUITABLE FOR SOLAR ENERGY DEVELOPMENT, INCLUDING:

(I) BROWNFIELDS;

(II) LANDFILLS;

(III) PARKING LOTS AND GARAGES; AND

(IV) LAND OWNED OR UNDER EASEMENT BY:

1. THE MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION;

1 **2. THE DEPARTMENT OF TRANSPORTATION; AND**

2 **3. THE DEPARTMENT OF NATURAL RESOURCES; AND**

3 **(3) ESTABLISH A GOAL FOR THE AMOUNT OF STATE LAND THAT MAY**
4 **BE USED FOR SOLAR ENERGY GENERATION TO MEET THE STATE'S RENEWABLE**
5 **ENERGY PORTFOLIO STANDARD GOALS FOR SOLAR ENERGY UNDER TITLE 7,**
6 **SUBTITLE 7 OF THE PUBLIC UTILITIES ARTICLE.**

7 **(B) THE DATABASE DEVELOPED IN ACCORDANCE WITH SUBSECTION (A) OF**
8 **THIS SECTION SHALL INCLUDE:**

9 **(1) THE ACREAGE OF EACH PLOT OF LAND;**

10 **(2) WHETHER THE PLOT OF LAND IS SUBJECT TO CONSERVATION**
11 **EASEMENTS OR ZONING; AND**

12 **(3) THE ACREAGE THAT A STATE AGENCY OFFERS FOR USE FOR**
13 **SOLAR DEVELOPMENT.**

14 **(C) TO THE EXTENT PRACTICABLE WITH PUBLIC SAFETY AND SECURITY, ON**
15 **OR BEFORE JULY 1, 2025, EACH ELECTRIC COMPANY SHALL SUBMIT TO THE SOLAR**
16 **TECHNICAL ASSISTANCE PROGRAM INFORMATION TO ASSIST THE PROGRAM IN ITS**
17 **ANALYSIS UNDER SUBSECTION (A) OF THIS SECTION, INCLUDING:**

18 **(1) THE LOCATION OF EACH TRANSMISSION AND DISTRIBUTION**
19 **CIRCUIT USED BY THE ELECTRIC COMPANY;**

20 **(2) THE NUMBER OF SUBSTATION TRANSFORMERS OWNED BY THE**
21 **ELECTRIC COMPANY;**

22 **(3) THE KILOVOLT-AMPERE RATING OF EACH SUBSTATION**
23 **TRANSFORMER OWNED BY THE ELECTRIC COMPANY;**

24 **(4) LINE EQUIPMENT FOR EACH CONDUCTOR OWNED BY THE**
25 **ELECTRIC COMPANY;**

26 **(5) CONDUCTOR RATINGS FOR EACH CONDUCTOR OWNED BY THE**
27 **ELECTRIC COMPANY;**

28 **(6) CURRENT AND QUEUED GENERATION ON CIRCUITS AND**
29 **TRANSFORMERS OWNED BY THE ELECTRIC COMPANY, TO BE UPDATED QUARTERLY;**

1 **(7) THE LOADS OF EACH CIRCUIT AND SUBSTATION OWNED BY THE**
2 **ELECTRIC COMPANY, INCLUDING PEAK AND MINIMUM DAYTIME LOAD;**

3 **(8) THE STATUS OF CONSTRUCTION FOR NEW LINES AND**
4 **SUBSTATIONS OWNED BY THE ELECTRIC COMPANY; AND**

5 **(9) AVERAGE COSTS TO UPGRADE SUBSTATIONS AND CIRCUITS**
6 **OWNED BY THE ELECTRIC COMPANY.**

7 **(D) ON OR BEFORE DECEMBER 1, 2025, THE MARYLAND AGRICULTURAL**
8 **LAND PRESERVATION FOUNDATION OF THE MARYLAND DEPARTMENT OF**
9 **AGRICULTURE, IN CONSULTATION WITH THE HOWARD HUGHES CENTER FOR**
10 **SUSTAINABLE AGRICULTURE, SHALL SUBMIT TO THE SOLAR TECHNICAL**
11 **ASSISTANCE PROGRAM AND, IN ACCORDANCE WITH § 2-1257 OF THIS ARTICLE, THE**
12 **GENERAL ASSEMBLY A REPORT CONTAINING:**

13 **(1) A LIST OF REAL PROPERTY OWNED AND CONSERVATION**
14 **EASEMENTS HELD BY THE FOUNDATION;**

15 **(2) THE FUNDS REQUIRED TO RENEW EACH CONSERVATION**
16 **EASEMENT; AND**

17 **(3) RECOMMENDATIONS CONCERNING REQUIREMENTS FOR THE**
18 **STATE TO RETURN LAND HELD BY THE FOUNDATION UNDER A CONSERVATION**
19 **EASEMENT TO ITS ORIGINAL CONDITION.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
21 Assembly that two Position Identification Numbers (PINs) be created in the Department of
22 Natural Resources for full-time positions in the Power Plant Research Program that will
23 focus on providing support and guidance to local governments on the permitting process for
24 solar energy development.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2024.