SENATE BILL 744

By: Senators Pinsky, Eckardt, Edwards, Feldman, Ferguson, Guzzone, Hershey, Hester, Jennings, King, Lam, Lee, Rosapepe, West, Young, and Zucker

Introduced and read first time: February 4, 2019
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 7, 2019

CHAPTER _____

1 AN ACT concerning

2 Protecting Natural Resources and Preserving Productive Farms – Commission
3 on the Development of a Blueprint for Solar Energy in Maryland

4 FOR the purpose of establishing the Commission on the Development of a Blueprint for
5 Solar Energy in Maryland; providing for the composition, chair, and staffing of the
6 Commission; prohibiting a member of the Commission from receiving certain
7 compensation, but authorizing the reimbursement of certain expenses; requiring the
8 Commission to study and make recommendations regarding certain matters relating
9 to solar energy planning and development; requiring the Commission to develop a
10 certain blueprint to guide units of State and local government in evaluating proposed
11 solar energy projects; requiring the Commission to take certain actions in carrying
12 out its work; requiring the Commission to submit a certain report and blueprint to
13 the Governor and the General Assembly on or before a certain date; making this Act
14 an emergency measure; providing for the termination of this Act; and generally
15 relating to the Commission on the Development of a Blueprint for Solar Energy in
16 Maryland.

17 Preamble

18 WHEREAS, The State’s natural areas and productive farmland are increasingly
19 under threat from the effects of climate change, including salt water intrusion and sea level
20 rise; and

21 WHEREAS, The harnessing of clean, renewable energy sources, such as solar power,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike out indicates matter stricken from the bill by amendment or deleted from the law by
amendment.
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is central to the State’s efforts to reduce greenhouse gas emissions and combat the effects of climate change; and

WHEREAS, The development of solar energy projects must be pursued strategically and aggressively to achieve the State’s renewable energy portfolio standard and Greenhouse Gas Emissions Reduction Act goals; and

WHEREAS, The State must work proactively to grow its renewable energy generating capabilities while preserving its natural resources and safeguarding its agricultural heritage; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Commission on the Development of a Blueprint for Solar Energy in Maryland.

(b) The Commission consists of the following members:

1. one chairperson, jointly appointed by the President of the Senate and the Speaker of the House;

2. two members of the Senate of Maryland, appointed by the President of the Senate;

3. two members of the House of Delegates, appointed by the Speaker of the House;

4. the Secretary of Natural Resources, or the Secretary’s designee;

5. the Secretary of Agriculture, or the Secretary’s designee;

6. the Secretary of Planning, or the Secretary’s designee;

7. the Chairman of the Public Service Commission, or the Chairman’s designee;

8. the Director of the Maryland Energy Administration, or the Director’s designee;

9. the Secretary of the Environment, or the Secretary’s designee;

10. two representatives of farms located in Maryland, one from the Eastern Shore and one from the Western Shore, appointed by the Maryland Farm Bureau;
(11) one representative of county government, appointed by the Maryland Association of Counties;

(12) one representative of the commercial real estate industry with experience in sustainability practices, appointed by the Maryland Chapter of NAIOP; and

(9) (13) the following members, jointly appointed by the President of the Senate and the Speaker of the House:

(i) one representative of the Maryland Association of Counties Smart Growth Maryland;

(ii) two representatives of the solar power industry, one from a business that specializes in the development of utility–scale solar projects and one from a business that specializes in the development of residential or community solar projects;

(iii) one representative of an electric company;

(iv) one representative of the Chesapeake Bay Foundation;

(v) one representative of the Chesapeake Climate Action Network Sierra Club; and

(vi) one representative of a local land conservation organization; and

(vii) one representative of an electric cooperative.

(c) The President of the Senate and the Speaker of the House shall appoint the chair of the Commission from among the Commission members.

(d) The Power Plant Research Program Department of the Environment shall provide staff for the Commission.

A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

The Commission shall:

(1) study and make recommendations regarding:

(i) restricting or discouraging the development of solar energy projects in ecologically or agriculturally important areas, including:
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1. on productive farmland;
2. on forest land;
3. on park land;
4. in or near wetlands; and
5. in the Chesapeake and Atlantic Coastal Bays Critical Area;

(ii) options for siting solar energy projects in areas with low potential for conflict with natural and agricultural resources, including:

1. on degraded lands, including brownfields, closed landfills, Superfund sites, Resource Recovery and Conservation Act (RCRA) lands, and closed mines;
2. on degraded or unproductive farmland;
3. in residential, commercial, and industrial areas, including on roof tops;
4. on existing public utility rights-of-way; and
5. at publicly owned institutions;

(iii) encouraging the co-usage of land for solar energy projects and other purposes;

(iii) discouraging the development of solar energy projects in ecologically or agriculturally important areas, including:

1. on productive farmland;
2. on forest land;
3. on parkland;
4. in or near wetlands; and
5. in the Chesapeake and Atlantic Coastal Bays Critical Area;

(iv) options for implementing the siting policies and preferences identified by the Commission, including changing existing laws and regulations and developing new financial incentives;
(v) updating the SmartDG+ tool developed by the Department of Natural Resources and the Maryland Energy Administration to reflect siting policies and preferences identified by the Commission;

(vi) creating a solar energy clearinghouse in the Department of Planning to provide land use planning guidance and technical assistance to local governments undertaking solar energy planning; and

(vii) centralizing the tracking and mapping of locations, acreage, and environmental characteristics of proposed solar energy projects and related transmission and local distribution grid upgrades to facilitate coordinated, comprehensive land use and environmental planning for solar energy development; and

(2) develop a comprehensive siting blueprint to guide units of State and local government in the evaluation of proposed solar energy projects, consistent with the Commission’s findings and recommendations.

(f) In carrying out its work, the Commission shall:

(1) take into consideration:

(i) efforts by Maryland counties to address the development of solar energy projects through zoning ordinances, comprehensive plans, and other local land use policies; and

(ii) options being developed in other states for providing predictable, long-term economic incentives to encourage the development of solar energy projects in areas where solar siting is preferred;

(2) accept oral and written comments from the public;

(3) (i) on or before November 1, 2019, release a preliminary draft of its findings and recommendations to the public; and

(ii) accept public comments on the preliminary draft until November 30, 2019; and

(4) allow the members of the Commission the opportunity to review and provide final input on any draft report.

(g) On or before January 1, 2020, the Commission shall submit a report of its findings and recommendations together with the blueprint developed under subsection (f)(2) (e)(2) of this section to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019. It shall remain effective for a period of 1 year and, at the end of May 31, 2020, this
Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through June 30, 2020, and, at the end of June 30, 2020, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.