

# SENATE BILL 685

M1, M5

4lr3163

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By: **Senator Augustine**

Introduced and read first time: January 29, 2024

Assigned to: Education, Energy, and the Environment

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## A BILL ENTITLED

1 AN ACT concerning

2 **Program Open Space – Use of Property – Renewable Energy and Storage**

3 FOR the purpose of authorizing the use of land that is acquired or developed with funds  
4 available under Program Open Space to be used for the generation of electricity from  
5 a solar or wind source and the storage of electricity in certain energy storage devices;  
6 and generally relating to Program Open Space.

7 BY repealing and reenacting, without amendments,  
8 Article – Natural Resources  
9 Section 5–901(a) and (d)  
10 Annotated Code of Maryland  
11 (2023 Replacement Volume and 2023 Supplement)

12 BY adding to  
13 Article – Natural Resources  
14 Section 5–911  
15 Annotated Code of Maryland  
16 (2023 Replacement Volume and 2023 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article – Public Utilities  
19 Section 7–216(a)(1) and (2)  
20 Annotated Code of Maryland  
21 (2020 Replacement Volume and 2023 Supplement)

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

24 **Article – Natural Resources**

25 5–901.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (d) “Funds available under this program” means the proceeds of Program Open  
3 Space and the annual apportionment of allocation of the Land and Water Conservation  
4 Fund to the State by the United States Department of Interior, National Park Service.

5 **5–911.**

6 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND NOTWITHSTANDING**  
7 **ANY OTHER PROVISION OF STATE OR LOCAL LAW, LAND THAT IS ACQUIRED OR**  
8 **DEVELOPED USING FUNDS AVAILABLE UNDER THIS PROGRAM MAY BE USED FOR:**

9 **(1) THE GENERATION OF ELECTRICITY FROM A SOLAR OR WIND**  
10 **SOURCE; OR**

11 **(2) THE STORAGE OF ELECTRICITY IN AN ENERGY STORAGE DEVICE**  
12 **AS DEFINED IN § 7–216 OF THE PUBLIC UTILITIES ARTICLE.**

13 **(B) THE AUTHORIZATION UNDER SUBSECTION (A) OF THIS SECTION DOES**  
14 **NOT AFFECT ANY APPROVAL OF THE USE THAT IS REQUIRED BY THE PUBLIC**  
15 **SERVICE COMMISSION UNDER THE PUBLIC UTILITIES ARTICLE.**

16 **Article – Public Utilities**

17 7–216.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) (i) “Energy storage device” means a resource capable of absorbing  
20 electrical energy, storing it for a period of time, and delivering the energy for use at a later  
21 time as needed, regardless of where the resource is located on the electric distribution  
22 system.

23 (ii) “Energy storage device” includes all types of electric storage  
24 technologies, regardless of their size, storage medium, or operational purpose, including:

- 25 1. thermal storage;
- 26 2. electrochemical storage;
- 27 3. virtual power plants; and
- 28 4. hydrogen–based storage.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

1 October 1, 2024.