

SENATE BILL 744

M3, M5

EMERGENCY BILL

9lr0731
CF HB 532

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.



1 is central to the State's efforts to reduce greenhouse gas emissions and combat the effects
2 of climate change; and

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

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

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

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

13 (b) The Commission consists of the following members:

14 (1) one chairperson, jointly appointed by the President of the Senate and
15 the Speaker of the House;

16 ~~(1)~~ (2) two members of the Senate of Maryland, appointed by the President
17 of the Senate;

18 ~~(2)~~ (3) two members of the House of Delegates, appointed by the Speaker
19 of the House;

20 ~~(3)~~ (4) the Secretary of Natural Resources, or the Secretary's designee;

21 ~~(4)~~ (5) the Secretary of Agriculture, or the Secretary's designee;

22 ~~(5)~~ (6) the Secretary of Planning, or the Secretary's designee;

23 ~~(6)~~ (7) the Chairman of the Public Service Commission, or the Chairman's
24 designee;

25 ~~(7)~~ (8) the Director of the Maryland Energy Administration, or the
26 Director's designee;

27 (9) the Secretary of the Environment, or the Secretary's designee;

28 ~~(8)~~ (10) two representatives of farms located in Maryland, one from the
29 Eastern Shore and one from the Western Shore, appointed by the Maryland Farm Bureau;
30 ~~and~~

1 (11) one representative of county government, appointed by the Maryland
2 Association of Counties;

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

5 ~~(9)~~ (13) the following members, jointly appointed by the President of the
6 Senate and the Speaker of the House:

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

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

12 (iii) one representative of an electric company;

13 (iv) one representative of the Chesapeake Bay Foundation;

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

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

17 (vii) one representative of an electric cooperative.

18 ~~(e) The President of the Senate and the Speaker of the House shall appoint the~~
19 ~~chair of the Commission from among the Commission members.~~

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

22 ~~(e)~~ (d) A member of the Commission:

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

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

26 ~~(e)~~ (e) The Commission shall:

27 (1) study and make recommendations regarding:

28 ~~(i) restricting or discouraging the development of solar energy~~
29 ~~projects in ecologically or agriculturally important areas, including:~~

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

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

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

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

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

- 20 1. on productive farmland;
 21 2. on forest land;
 22 3. on parkland;
 23 4. in or near wetlands; and
 24 5. in the Chesapeake and Atlantic Coastal Bays Critical
 25 Area;

26 (iv) options for implementing the siting policies and preferences
 27 identified by the Commission, including changing existing laws and regulations and
 28 developing new financial incentives;

1 (v) updating the SmartDG+ tool developed by the Department of
2 Natural Resources and the Maryland Energy Administration to reflect siting policies and
3 preferences identified by the Commission;

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

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

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

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

15 (1) take into consideration:

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

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

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

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

25 (ii) accept public comments on the preliminary draft until November
26 30, 2019; and

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

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

33 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June~~
34 ~~1, 2019. It shall remain effective for a period of 1 year and, at the end of May 31, 2020, this~~

1 ~~Act, with no further action required by the General Assembly, shall be abrogated and of no~~
2 ~~further force and effect.~~

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.