

**Department of Legislative Services**  
 Maryland General Assembly  
 2019 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 744

(Senator Pinsky, *et al.*)

Education, Health, and Environmental Affairs

Environment and Transportation

**Protecting Natural Resources and Preserving Productive Farms - Commission on  
 the Development of a Blueprint for Solar Energy in Maryland**

This emergency bill establishes the Commission on the Development of a Blueprint for Solar Energy in Maryland, staffed by the Maryland Department of the Environment (MDE). A member of the commission may not receive compensation but is entitled to reimbursement for travel expenses. By November 1, 2019, the commission must release a draft of its findings and recommendations to the public and accept public comments. Commission members must also be allowed an opportunity to review and provide final input on any draft report. By January 1, 2020, the commission must submit a report of its findings and recommendations, together with the comprehensive siting blueprint it must develop, to the Governor and the General Assembly. **The bill terminates June 30, 2020.**

**Fiscal Summary**

**State Effect:** Likely minimal or no effect in FY 2019. Special fund expenditures increase by up to \$100,000 in FY 2020. Any expense reimbursements are assumed to be minimal and absorbable within existing budgeted resources. Revenues are not affected.

(in dollars)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
SF Expenditure	100,000	0	0	0	0
Net Effect	(\$100,000)	\$0	\$0	\$0	\$0

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local governments may benefit from the comprehensive blueprint developed by the commission. Overall, the bill does not materially affect local government finances or operations.

**Small Business Effect:** None.

## Analysis

The commission must study and make recommendations regarding:

- options for siting solar energy projects in areas with low potential for conflict with natural and agricultural resources;
- encouraging the co-usage of land for solar energy projects and other purposes;
- discouraging the development of solar energy projects in ecologically or agriculturally important areas;
- options for implementing the siting policies and preferences identified by the commission, including changing existing laws and regulations and developing new financial incentives;
- updating the SmartDG+ tool developed by the Department of Natural Resources (DNR) and the Maryland Energy Administration to reflect siting policies and preferences identified by the commission;
- creating a solar energy clearinghouse in the Maryland Department of Planning to provide land use planning guidance and technical assistance to local governments undertaking solar energy planning; and
- 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.

In addition, the commission must 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.

In carrying out its work, the commission must (1) accept oral and written comments from the public and (2) take into consideration:

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

**Current Law/Background:** Solar photovoltaic (PV) systems are relatively land-intensive (several acres per megawatt). As the number of solar PV systems in the State has grown over the years, so too has the potential for conflict over the appropriate use of the State's finite amount of land. A recent [report](#) commissioned by the Public Service Commission

(PSC) on the benefits and costs of solar PV systems in Maryland addresses many of these land use issues. The report can be found on PSC's website.

### *Certificate of Public Convenience and Necessity*

PSC is the lead agency for licensing the siting, construction, and operation of power plants in the State through the certificate of public convenience and necessary (CPCN) process. Large utility scale solar PV systems generally must obtain a CPCN from PSC, which is a comprehensive process involving several other State agencies. The process includes the consideration of the comprehensive plan and zoning of each affected local government and the efforts to resolve any issues presented by an affected local government, among other aspects of the project.

Smaller (but still utility scale) solar PV systems can be exempt from the CPCN process; if an exemption from the CPCN requirement is granted, PSC evaluation is limited to ensuring safety and reliability of the electric system. All issues other than safety and reliability of the electric system are left up to other State and local agencies.

**State Expenditures:** Special fund expenditures for MDE increase by up to \$100,000 in fiscal 2020 for contractual services to provide administrative and/or technical support in assessing the issues the commission must consider. This estimate assumes a start-up delay through fiscal 2019 while the commission is being appointed; however, costs may accelerate into fiscal 2019 to the extent that the commission is appointed quickly and associated expenditures become necessary. MDE can otherwise staff the commission with existing budgeted resources, and any expense reimbursements for commission members are assumed to be minimal and absorbable within existing budgeted resources.

**Additional Comments:** There are other costs associated with potential commission recommendations but not required by the bill. For example, MDE and DNR estimate that updating the SmartDG+ tool would cost \$50,000 as a one-time expense. Creating and maintaining a map-based project to track solar energy projects and transmission lines would cost \$20,000 annually. These costs are not included in the above analysis.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 532 (Delegates Stein and Guyton) - Environment and Transportation.

**Information Source(s):** Maryland Department of the Environment; Department of Natural Resources; Public Service Commission; Department of Legislative Services

**Fiscal Note History:** First Reader - February 14, 2019  
mag/lgc Third Reader - March 16, 2019  
Revised - Amendment(s) - March 16, 2019

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Analysis by: Stephen M. Ross

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510