

SB0474/843324/1

BY: Education, Energy, and the Environment Committee

AMENDMENTS TO SENATE BILL 474
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after “Section” insert “1-101(a) and”; after line 15, insert:

“BY adding to

Article - Public Utilities

Section 1-101(h-1) and 7-207.3

Annotated Code of Maryland

(2020 Replacement Volume and 2023 Supplement)”;

and in line 18, after “Section” insert “1-101(h-1),”.

AMENDMENT NO. 2

On page 1, after line 23, insert:

“1-101.

(a) In this division the following words have the meanings indicated.

(H-1) (1) “CRITICAL INFRASTRUCTURE” MEANS ASSETS, SYSTEMS, AND NETWORKS, WHETHER PHYSICAL OR VIRTUAL, CONSIDERED BY THE U.S. DEPARTMENT OF HOMELAND SECURITY TO BE SO VITAL TO THE UNITED STATES THAT THEIR INCAPACITATION OR DESTRUCTION WOULD HAVE A DEBILITATING EFFECT ON ONE OR MORE OF THE FOLLOWING:

(I) SECURITY;

(II) NATIONAL ECONOMIC SECURITY;

(III) NATIONAL PUBLIC HEALTH; OR

(IV) SAFETY.

(2) “CRITICAL INFRASTRUCTURE” INCLUDES:

(I) A HOSPITAL OR HEALTH CARE FACILITY; AND

**(II) A DATA CENTER AS DEFINED IN § 11-239 OF THE TAX –
GENERAL ARTICLE.**

**[(h-1)] (H-2) “Cybersecurity” has the meaning stated in § 3.5-301 of the
State Finance and Procurement Article.”.**

On page 2, in line 29, after “INTERRUPTED” insert **“DUE TO ELECTRIC
DISTRIBUTION OR TRANSMISSION SYSTEM FAILURE OR WHEN THERE IS
EQUIPMENT FAILURE AT A SITE WHERE CRITICAL INFRASTRUCTURE IS
LOCATED”.**

On page 3, in line 3, after “COMPANY” insert **“DUE TO ELECTRIC
DISTRIBUTION OR TRANSMISSION SYSTEM FAILURE OR WHEN THERE IS
EQUIPMENT FAILURE AT A SITE WHERE CRITICAL INFRASTRUCTURE IS
LOCATED”**; in line 5, strike “AND”; and in line 7, strike “OR” and substitute **“AND**

**4. IS INSTALLED AT A FACILITY THAT IS PART OF
CRITICAL INFRASTRUCTURE IF THE FACILITY COMPLIES WITH ALL APPLICABLE
REGULATIONS REGARDING NOISE LEVEL AND TESTING HOURS; OR”.**

On page 4, in line 7, after “INTERRUPTED” insert **“DUE TO ELECTRIC
DISTRIBUTION OR TRANSMISSION SYSTEM FAILURE OR WHEN THERE IS
EQUIPMENT FAILURE AT A SITE WHERE CRITICAL INFRASTRUCTURE IS
LOCATED”**; in line 10, after “COMPANY” insert **“DUE TO ELECTRIC DISTRIBUTION OR
TRANSMISSION SYSTEM FAILURE OR WHEN THERE IS EQUIPMENT FAILURE AT A**

SB0474/843324/01 Education, Energy, and the Environment Committee
Amendments to SB 474
Page 3 of 5

SITE WHERE CRITICAL INFRASTRUCTURE IS LOCATED"; in line 12, strike "AND"; and in line 14, strike "OR" and substitute "AND

(IV) IS INSTALLED AT A FACILITY THAT IS PART OF CRITICAL INFRASTRUCTURE IF THE FACILITY COMPLIES WITH ALL APPLICABLE REGULATIONS REGARDING NOISE LEVEL AND TESTING HOURS; OR".

On page 5, in line 15, after "INTERRUPTED" insert "DUE TO ELECTRIC DISTRIBUTION OR TRANSMISSION SYSTEM FAILURE OR WHEN THERE IS EQUIPMENT FAILURE AT A SITE WHERE CRITICAL INFRASTRUCTURE IS LOCATED"; in line 18, after "COMPANY" insert "DUE TO ELECTRIC DISTRIBUTION OR TRANSMISSION SYSTEM FAILURE OR WHEN THERE IS EQUIPMENT FAILURE AT A SITE WHERE CRITICAL INFRASTRUCTURE IS LOCATED"; in line 20, strike "AND"; in line 22, strike "OR" and substitute "AND

(IV) IS INSTALLED AT A FACILITY THAT IS PART OF CRITICAL INFRASTRUCTURE IF THE FACILITY COMPLIES WITH ALL APPLICABLE REGULATIONS REGARDING NOISE LEVEL AND TESTING HOURS; OR";

and after line 24, insert:

"7-207.3.

(A) (1) ON OR BEFORE DECEMBER 1, 2025, AND EACH DECEMBER 1 THEREAFTER, THE OWNER OR OPERATOR OF A GENERATING UNIT OR FACILITY SPECIFIED UNDER § 7-207(A)(4)(III) OF THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT OF THE ENVIRONMENT A REPORT THAT INCLUDES:

(I) DATES ON WHICH THE GENERATING UNIT OR FACILITY WAS USED FOR THE PREVIOUS 12 MONTHS;

(II) THE LENGTH OF TIME THE GENERATING UNIT OR FACILITY WAS OPERATED FOR THE PREVIOUS 12 MONTHS; AND

(Over)

(III) FOR EACH INSTANCE THAT THE GENERATING UNIT OR FACILITY WAS OPERATED OVER THE PREVIOUS 12 MONTHS, THE REASON THE GENERATING UNIT OR FACILITY WAS OPERATED.

(2) UNLESS THE DEPARTMENT OF THE ENVIRONMENT DETERMINES THAT THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION POSES A RISK TO CYBERSECURITY, NATIONAL SECURITY, OR THE SECURITY OF THE STATE, THE REPORT:

(I) SHALL BE MADE PUBLICLY AVAILABLE; AND

(II) MAY NOT BE REDACTED.

(B) ON OR BEFORE DECEMBER 1, 2025, AND EVERY 2 YEARS THEREAFTER, THE MARYLAND ENERGY ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF COMMERCE AND INDUSTRY REPRESENTATIVES SELECTED BY THE DEPARTMENT OF COMMERCE, SHALL, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, SUBMIT A REPORT TO THE GENERAL ASSEMBLY DETAILING:

(1) ADVANCEMENTS IN BACKUP GENERATION TECHNOLOGIES;

(2) THE COMMERCIAL AVAILABILITY OF NEW BACKUP GENERATION TECHNOLOGIES THAT CAN BE PROCURED; AND

(3) THE AFFORDABILITY OF ADOPTING NEW BACKUP GENERATION TECHNOLOGIES.”.

On page 6, in line 5, after “INTERRUPTED” insert “DUE TO ELECTRIC DISTRIBUTION OR TRANSMISSION SYSTEM FAILURE OR WHEN THERE IS EQUIPMENT FAILURE AT A SITE WHERE CRITICAL INFRASTRUCTURE IS LOCATED”; in line 8, after “COMPANY” insert “DUE TO ELECTRIC DISTRIBUTION OR TRANSMISSION SYSTEM FAILURE OR WHEN THERE IS EQUIPMENT FAILURE AT A SITE WHERE CRITICAL INFRASTRUCTURE IS LOCATED”; in line 10, strike “AND”; and in line 12, strike “OR” and substitute “AND”

**4. IS INSTALLED AT A FACILITY THAT IS PART OF
CRITICAL INFRASTRUCTURE IF THE FACILITY COMPLIES WITH ALL APPLICABLE
REGULATIONS REGARDING NOISE LEVEL AND TESTING HOURS; OR”.**