HB1036/403123/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1036
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "necessity;" insert "establishing a distributed generation certificate of public convenience and necessity to authorize the construction and operation of a certain distributed solar energy generating system; requiring the Power Plant Research Program, by a certain date, to develop and submit to the Commission proposed siting and design requirements and licensing conditions;"; in line 7, after "or" insert "front–of–the–meter"; strike beginning with "authorizing" in line 10 down through "circumstances;" in line 12; in line 14, after "systems;" insert "requiring the Maryland Department of Labor to develop a special solar contractor license;"; in line 15, strike "partnerships" and substitute "procurement models"; strike in their entirety lines 17 through 21, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–306(a)(1)
Annotated Code of Maryland
(2023 Replacement Volume and 2024 Supplement)";

strike line 24 in its entirety and substitute:

"Section 7–207(b)(1)(i) and (ii), (e), and (h), 7–207.1(c)(1), and 7–306.2(a), (c) and (d)(7)";

and after line 26, insert:

"BY repealing and reenacting, without amendments,
Article – Public Utilities

Section 7–207(d)
Annotated Code of Maryland
(2020 Replacement Volume and 2024 Supplement)".

On page 2, in line 1, after "Section" insert "7–207.4,"; in the same line, strike "7-306.2(o)"; and after line 3, insert:

"BY adding to
Article – State Government
Section 9–2017
Annotated Code of Maryland
(2021 Replacement Volume and 2024 Supplement)".

AMENDMENT NO. 2

On page 4, in line 21, after "**THE**" insert "**SITE**"; in the same line, strike "**OF**" and substitute "**UNDER**"; after line 25, insert:

"**(2) "AGRIVOLTAICS" HAS THE MEANING STATED IN § 7–306.2 OF THIS TITLE.**";

in lines 26 and 28, strike "**(2)**" and "**(3)**", respectively, and substitute "**(3)**" and "**(4)**", respectively; after line 29, insert:

"**(5) "PRIORITY PRESERVATION AREA" MEANS AN AREA CERTIFIED AS A PRIORITY PRESERVATION AREA UNDER § 2–518 OF THE AGRICULTURE ARTICLE.**

(6) (I) "PROJECT AREA" MEANS AN AREA WITHIN WHICH CONSTRUCTION, MATERIALS AND EQUIPMENT STORAGE, GRADING, LANDSCAPING, AND RELATED ACTIVITIES FOR A PROJECT MAY OCCUR.

(II) "PROJECT AREA" INCLUDES ONE OR MORE CONTIGUOUS PARCELS OR PROPERTIES UNDER THE SAME OWNERSHIP OR LEASE AGREEMENT.".

On page 5, in line 1, strike "**2 MEGAWATTS**" and substitute "**1 MEGAWATT**"; in line 3, strike "**SYSTEM'S**" and substitute "**STATION'S**"; in line 5, strike "**OR**"; in line 7, after "**TITLE;**" insert "**OR**

(III) IS PART OF AGGREGATE NET METERING UNDER § 7–306.3 OF THIS TITLE;";

in line 12, strike "**CONSTRUCTION HAS BEEN APPROVED BY THE**"; in line 13, strike "**IN ACCORDANCE WITH**" and substitute "**OR, FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE STATION'S INVERTER, THE LOCAL JURISDICTION VERIFIES THAT THE PROPOSED CONSTRUCTION MEETS ALL OF THE SITE REQUIREMENTS UNDER SUBSECTION (F) OF**"; in the same line, strike "**AND**"; in line 14, strike "**(I)**" and substitute "**FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE STATION'S INVERTER:**

(I)";

in line 15, strike "**OR**"; in line 16, after "**(II)**" insert "**A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY HAS BEEN ISSUED IN ACCORDANCE WITH § 7–207.4 OF THIS SUBTITLE; OR**

(III)";

and in line 17, after "**SUBTITLE**" insert "**; AND**

(3) THE CONSTRUCTION HAS RECEIVED APPROVAL FOR ALL LOCAL PERMITS REQUIRED UNDER § 7–207(H) OF THIS SUBTITLE".

On pages 5 and 6, strike beginning with "**ON**" in line 18 on page 5 down through "**STATION**" in line 5 on page 6 and substitute "**(1) A PERSON THAT SUBMITS AN APPLICATION FOR APPROVAL OF THE CONSTRUCTION OF A SOLAR ENERGY GENERATING STATION IN ACCORDANCE WITH § 7–207, § 7–207.1, OR § 7–207.4 OF THIS SUBTITLE SHALL INCLUDE WITH THE APPLICATION WRITTEN DOCUMENTATION OR OTHER EVIDENCE SHOWING THAT THE PROPOSED CONSTRUCTION MEETS THE REQUIREMENTS UNDER SUBSECTIONS (F) AND (G) OF THIS SECTION.**

(2) FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE STATION'S INVERTER, A PERSON THAT SUBMITS A SITE DEVELOPMENT PLAN TO A LOCAL JURISDICTION SHALL INCLUDE WITH THE PLAN WRITTEN DOCUMENTATION OR OTHER EVIDENCE SHOWING THAT THE PROPOSED CONSTRUCTION MEETS THE REQUIREMENTS UNDER SUBSECTIONS (F) AND (G) OF THIS SECTION".

On page 6, in line 6, strike "**(E)**" and substitute "**(E)(1)**"; in the same line, strike "**REVIEWING AN APPLICATION FOR APPROVAL UNDER**" and substitute "**VERIFYING WHETHER THE DOCUMENTATION PROVIDED UNDER SUBSECTION (D) OF THIS SECTION MEETS THE REQUIREMENTS UNDER SUBSECTIONS (F) AND (G) OF**"; in line 7, after "**COMMISSION**" insert "**OR LOCAL JURISDICTION**"; strike beginning with the colon in line 7 down through "**(2)**" in line 11 and substitute a comma; in line 16, after "**LOCATED**" insert "**TO COLLECT COMMUNITY FEEDBACK AND PROVIDE OPPORTUNITIES TO ADDRESS COMMUNITY FEEDBACK.**

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE MEETINGS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE HELD:

1. IN THE COUNTY IN WHICH THE PROPOSED SOLAR ENERGY GENERATING STATION IS TO BE LOCATED; AND

2. WITHIN 10 MILES OF THE PROPOSED LOCATION OF THE SOLAR ENERGY GENERATING STATION.

(II) IF THE OWNER OF A PROPOSED SOLAR ENERGY GENERATING STATION CANNOT FIND A MEETING LOCATION THAT MEETS THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE OWNER MAY SELECT AN ALTERNATIVE LOCATION THAT IS AS CLOSE AS PRACTICABLE TO THE LOCATION OF THE PROPOSED SOLAR ENERGY GENERATING STATION";

in line 17, strike "**AN**" and substitute "**THIS SUBSECTION DOES NOT APPLY TO AGRIVOLTAICS.**

(2) EXCEPT AS PROVIDED IN PARAGRAPH (10) OF THIS SUBSECTION, AN";

strike beginning with "**ANY**" in line 20 down through "**STATION**" in line 21 and substitute "**THE NEAREST WALL OF A RESIDENTIAL DWELLING**"; in line 22, strike "**50**" and substitute "**100**"; strike beginning with "**ANY**" in line 23 down through "**STATION**" in line 24 and substitute "**ALL PROPERTY LINES, NOT INCLUDING PROPERTY LINES THAT BISECT THE INTERIOR OF A PROJECT AREA**"; in line 26, strike "**AROUND THE SOLAR ENERGY GENERATING STATION**" and substitute "**ONLY ON THE INTERIOR OF A LANDSCAPE BUFFER OR IMMEDIATELY ADJACENT TO A**

SOLAR ENERGY GENERATING STATION"; in line 27, strike "**AND**"; in line 28, after "**HEIGHT;**" insert:

"**C. THAT IS ONLY BLACK OR GREEN VINYL WIRE MESH IF THE OWNER PROPOSES TO USE CHAIN LINK FENCING; AND**

D. THAT IS NOT LESS THAN 50 FEET AWAY FROM THE EDGE OF ANY PUBLIC ROAD RIGHT–OF–WAY;";

and in line 31, strike "**AND**".

On page 7, in line 2, strike "**IF REQUIRED BY THE LOCAL JURISDICTION.**" and substitute "**IN ACCORDANCE WITH PARAGRAPH (4) OF THIS SUBSECTION;**"; after line 2, insert:

"**(V) EXCEPT FOR EQUIPMENT REQUIRED FOR INTERCONNECTION WITH ELECTRIC SYSTEM INFRASTRUCTURE, MAY NOT LOCATE ANY SOLAR ARRAY, ANCILLARY EQUIPMENT, OR ACCESSORY BUILDINGS OR FACILITIES WITHIN A PUBLIC ROAD RIGHT–OF–WAY;**

(VI) 1. SHALL MITIGATE THE VISUAL IMPACT OF THE SOLAR ENERGY GENERATING STATION ON A PRESERVATION AREA, RURAL LEGACY AREA, PRIORITY PRESERVATION AREA, PUBLIC PARK, SCENIC RIVER OR BYWAY, DESIGNATED HERITAGE AREA, OR HISTORIC STRUCTURE OR SITE LISTED ON OR ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES OR RELEVANT COUNTY REGISTER OF HISTORIC PLACES; AND

2. A. FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT OF THE STATION'S

INVERTER, SHALL INCLUDE IN THE APPLICATION SUBMITTED UNDER SUBSECTION (C)(2) OF THIS SECTION A VIEWSHED ANALYSIS FOR ANY AREA, STRUCTURE, OR SITE SPECIFIED IN ITEM 1 OF THIS ITEM; AND

B. FOR A SOLAR ENERGY GENERATING STATION THAT HAS THE CAPACITY TO PRODUCE NOT MORE THAN 2 MEGAWATTS OF ELECTRICITY AS MEASURED BY THE ALTERNATING CURRENT OF THE STATION'S INVERTER, SHALL INCLUDE IN AN APPLICATION FOR A SITE DEVELOPMENT PLAN A VIEWSHED ANALYSIS FOR ANY AREA, STRUCTURE, OR SITE SPECIFIED IN ITEM 1 OF THIS ITEM; AND

(VII) SHALL PROVIDE NOTICE OF EACH PROPOSED SOLAR ENERGY GENERATING STATION TO THE EMERGENCY RESPONSE SERVICES OF EACH COUNTY IN WHICH ANY PORTION OF THE GENERATING STATION IS TO BE CONSTRUCTED, INCLUDING A MAP OF THE PROPOSED GENERATING STATION AND THE PROPOSED LOCATION OF ANY SOLAR COLLECTOR OR ISOLATOR SWITCH.";

in lines 3, 5, and 14, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; in line 5, after "**BUFFER**" insert "**OR VEGETATIVE SCREENING**"; in the same line, strike "**(1)(IV)**" and substitute "**(2)(IV)**"; strike beginning with "**BE**" in line 7 down through the second "**FEET**" in line 13 and substitute "**BE NOT MORE THAN 35 FEET WIDE;**

(II) BE PROVIDED ALONG:

1. ALL PROPERTY LINES;

2. LOCATIONS OF THE EXTERIOR BOUNDARY FOR THE SOLAR ENERGY GENERATING STATION WHERE EXISTING WOODED VEGETATION OF 50 FEET OR MORE IN WIDTH DOES NOT EXIST; OR

3. AN ALTERNATIVE LOCATION WITHIN THE BOUNDARY FOR THE SOLAR ENERGY GENERATING STATION IF THE OWNER DEMONSTRATES THAT THE ALTERNATIVE LOCATION WOULD MAXIMIZE THE VISUAL SCREENING;

(III) PROVIDE FOR FOUR–SEASON VISUAL SCREENING OF THE SOLAR ENERGY GENERATING STATION;

(IV) BE PLACED BETWEEN ANY FENCING AND THE PUBLIC VIEW;

(V) INCLUDE MULTILAYERED, STAGGERED ROWS OF OVERSTORY AND UNDERSTORY TREES AND SHRUBS THAT:

1. ARE A MIXTURE OF EVERGREEN AND DECIDUOUS VEGETATION;

2. ARE PREDOMINANTLY NATIVE TO THE REGION;

3. ARE MORE THAN 4 FEET IN HEIGHT AT PLANTING;

4. ARE DESIGNED TO PROVIDE SCREENING OR BUFFERING WITHIN 5 YEARS OF PLANTING;

5. MAY NOT BE TRIMMED TO STUNT UPWARD OR OUTWARD GROWTH OR TO OTHERWISE LIMIT THE EFFECTIVENESS OF THE VISUAL SCREEN;

6. CONFORM TO THE PLANT SIZE SPECIFICATIONS ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK (ANSI Z60.1); AND

7. ARE SPECIFIED IN A LANDSCAPING PLAN PREPARED BY A QUALIFIED PROFESSIONAL LANDSCAPE ARCHITECT;

(VI) BE INSTALLED AS EARLY IN THE CONSTRUCTION PROCESS AS PRACTICABLE AND BEFORE THE ACTIVATION OF THE PROPOSED SOLAR ENERGY GENERATING STATION;

(VII) PRESERVE TO THE MAXIMUM EXTENT PRACTICABLE AND SUPPLEMENTED WITH NEW PLANTINGS WHERE NECESSARY, ANY FOREST OR HEDGEROW THAT EXISTS AT A LOCATION WHERE VISUAL SCREENING OR LANDSCAPE BUFFERING IS REQUIRED; AND

(VIII) SHALL BE MAINTAINED WITH A 90% SURVIVAL THRESHOLD FOR THE LIFE OF THE SOLAR ENERGY GENERATING STATION THROUGH A MAINTENANCE AGREEMENT THAT INCLUDES A WATERING PLAN";

in line 21, after "**NATIVE**" insert "**OR NONINVASIVE NATURALIZED**"; and in line 23, strike "**FIRST 3 YEARS OF THE**".

On page 8, in line 1, strike "**3**" and substitute "**5**"; in line 2, strike "**50%**" and substitute "**100%**"; in line 5, strike "**(5)**" and substitute "**(6) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH, A LOCAL JURISDICTION SHALL HOLD ANY LANDSCAPING BOND REQUIRED UNDER PARAGRAPH (5)(VI) OF THIS SUBSECTION FOR 5 YEARS.**

(II) A LOCAL JURISDICTION SHALL RELEASE 50% OF THE LANDSCAPING BOND IF, ON INSPECTION, THE VEGETATIVE PROTECTIONS MEET A 90% SURVIVAL THRESHOLD.

(III) FOLLOWING THE RELEASE OF A LANDSCAPING BOND UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE REMAINING LANDSCAPING BOND SHALL BE HELD FOR AN ADDITIONAL 2 YEARS AND, ON FURTHER INSPECTION AND CONFIRMATION THAT THE VEGETATIVE PROTECTIONS CONTINUE TO MEET A 90% SURVIVAL THRESHOLD, SHALL BE RELEASED.

(7)";

after line 7, insert:

"**(8) (I) THIS PARAGRAPH DOES NOT APPLY TO:**

1. EQUIPMENT NECESSARY FOR INTERCONNECTION WITH THE ELECTRIC SYSTEM; OR

2. SOLAR ENERGY GENERATING STATIONS LOCATED ON LAND THAT IS ALSO USED FOR AGRICULTURAL PURPOSES.

(II) A PROPOSED SOLAR ENERGY GENERATING STATION AND ANY ACCESSORY STRUCTURES ASSOCIATED WITH THE STATION MUST HAVE AN AVERAGE HEIGHT OF NOT MORE THAN 15 FEET.

(9) SETBACKS FOR SOLAR ENERGY GENERATING STATIONS:

(I) SHALL BE MEASURED FROM THE PROPERTY BOUNDARY TO THE NEAREST SOLAR ARRAY OR ACCESSORY EQUIPMENT, BUILDINGS, OR FACILITIES THAT GENERATE, MAINTAIN, OPERATE, MANAGE, DISTRIBUTE, AND TRANSMIT ELECTRICITY; AND

(II) MAY NOT APPLY TO ANY INTERCONNECTION TIE LINE OR FACILITY THAT CONNECTS A SOLAR ENERGY GENERATING STATION TO THE ELECTRIC SYSTEM.

(10) (I) THE OWNER OF A PROPOSED SOLAR ENERGY GENERATING STATION MAY PROVIDE TO THE COMMISSION OR LOCAL JURISDICTION WRITTEN DOCUMENTATION OF A SITING AGREEMENT:

1. ENTERED INTO WITH THE COUNTY IN WHICH THE PROPOSED SOLAR ENERGY GENERATING STATION IS TO BE LOCATED; AND

2. THAT PROVIDES LESS STRINGENT RESTRICTIONS THAN THOSE SPECIFIED UNDER THIS SUBSECTION.

(II) IF A PROPOSED SOLAR ENERGY GENERATING STATION PROVIDES TO THE COMMISSION OR LOCAL JURISDICTION WRITTEN DOCUMENTATION IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE PROPOSED SOLAR ENERGY GENERATING STATION SHALL BE CONSIDERED AS MEETING THE REQUIREMENTS OF THIS SUBSECTION.";

in line 12, strike "**100%**" and substitute "**125%**"; in the same line, after the first "**THE**" insert "**ESTIMATED FUTURE**"; in line 17, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, A**"; in line 24, after "**SHALL**" insert "**:**

(I)";

in line 26, after "**SECTION**" insert "**; AND**

(II) FOR SOLAR ENERGY GENERATING STATIONS WITH A GENERATING CAPACITY OF NOT MORE THAN 5 MEGAWATTS, AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE SOLAR ENERGY GENERATING STATION'S INVERTER, PROCESS THE SITE DEVELOPMENT PLAN APPLICATION AS A PERMITTED USE SUBJECT TO THE REVIEW STANDARDS IN § 4–205 OF THE LAND USE ARTICLE";

and after line 26, insert:

"**(3) A GROUND MOUNTED SOLAR ENERGY GENERATING STATION WITH A GENERATING CAPACITY OF MORE THAN 5 MEGAWATTS, AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE SOLAR ENERGY GENERATING STATION'S INVERTER, MAY NOT BE LOCATED ON ANY LOT, PARCEL, OR TRACT OF LAND THAT, AS OF JANUARY 1, 2025, IS LOCATED WITHIN:**

(I) A TIER 1 OR TIER 2 MAPPED LOCALLY DESIGNATED GROWTH AREA ADOPTED UNDER § 1–506 OF THE LAND USE ARTICLE;

(II) A MEDIUM DENSITY RESIDENTIAL AREA OR HIGH DENSITY RESIDENTIAL AREA, AS DEFINED IN § 5–1601 OF THE NATURAL RESOURCES ARTICLE; OR

(III) A MIXED–USE AREA WITH A RESIDENTIAL COMPONENT.

(4) (I) THE TOTAL COMBINED NUMBER OF SOLAR ENERGY GENERATING STATIONS THAT MAY BE APPROVED FOR CONSTRUCTION IN A

PRIORITY PRESERVATION AREA THAT WAS ESTABLISHED BEFORE JANUARY 1, 2025, SHALL:

1. BE LIMITED IN AREA TO 5% OF THE TOTAL ACREAGE OF THE PRIORITY PRESERVATION AREA;

2. BE LOCATED IN THE PROJECT AREA WITHIN THE PRIORITY PRESERVATION AREA; AND

3. MEET ALL REQUIREMENTS UNDER THIS SECTION.

(II) THE PROHIBITIONS IN PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY TO THE REMAINING 95% OF A PRIORITY PRESERVATION AREA ONCE THE 5% LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH HAS BEEN ACHIEVED FOR THE PRIORITY PRESERVATION AREA.

(III) A COUNTY SHALL REPORT TO THE COMMISSION WHEN THE 5% LIMITATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH HAS BEEN ACHIEVED FOR A PRIORITY PRESERVATION AREA.".

On pages 8 and 9, strike beginning with "**(1)**" in line 27 on page 8 down through "**(J)**" in line 3 on page 9.

On page 9, in line 16, after "**WITH**" insert "**REGULATIONS ADOPTED UNDER**"; and in line 18, strike "**ENERGY STORAGE DEVICES**" and substitute "**A FRONT–OF–THE–METER ENERGY STORAGE DEVICE**".

On page 9 in line 14, on page 10 in lines 13 and 26, and on page 11 in line 3, in each instance, strike "**AN**" and substitute "**A FRONT–OF–THE–METER**".

On page 10, in line 1, strike "**RESIDENTS AND OWNERS OF PROPERTY THAT IS**" and substitute "**AFFECTED COMMUNITIES THAT ARE**"; strike beginning with "**IF**" in line 5 down through "**(2)**" in line 8; in line 13, strike "**(3)**" and substitute "**(2)**"; and in line 16, after "**DEVICE**" insert "**THAT WILL NOT BE CONSTRUCTED AT A COMMERCIAL OR INDUSTRIAL LOCATION**".

On page 10, in lines 8 and 16, and on page 11 in lines 2, 15, 17, 21, and 24, in each instance, before "**ENERGY**" insert "**FRONT–OF–THE–METER**".

On page 11, after line 25, insert:

"**(G) THE COMMISSION MAY WAIVE OR MODIFY THE REQUIREMENTS UNDER SUBSECTIONS (C), (D), AND (E) OF THIS SECTION FOR GOOD CAUSE.**

(H) THE COMMISSION SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.".

On page 21, after line 25, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Public Service Commission shall conduct a study on the feasibility of and technical barriers to establishing within the Commission a community solar automatic enrollment program for local jurisdictions.

(b) In conducting the study under subsection (a) of this section, the Commission shall consider:

(1) how low–to–moderate income subscribers would be subscribed under the program;

(2) whether subscribers automatically enrolled in the program should receive a bill credit;

(3) how to ensure that local jurisdictions comply with all parameters of the program; and

(4) any necessary notification requirements and consumer protections that the program should have.

(c) On or before July 1, 2026, the Public Service Commission shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on the results of the study.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 1 of this Act may not be applied or interpreted to have any effect on or application to the construction or modification of a solar energy generating system that was submitted for a certificate of public convenience and necessity from the Public Service Commission or a required permit from a local government before July 1, 2025.

SECTION 6. AND BE IT FURTHER ENACTED, That the meeting and notification requirements that a proposed solar energy generating system must satisfy under Section 1 of this Act shall be deemed to be satisfied for a proposed solar energy generating system whose owner, operator, or other person responsible for the system has, on or before June 30, 2025, and in accordance with an existing entitlement process, sent notifications to or held meetings in the overburdened community or underserved community in which the system is proposed to be located.";

in line 26, strike "4." and substitute "8."; and in line 27, strike "October" and substitute "July".

AMENDMENT NO. 3

On page 11, in line 28, after "(2)" insert "**(I)**"; and in the same line, after "land" insert "**:**

1. THAT ARE MAINTAINED IN AGRICULTURAL USE IN ACCORDANCE WITH COMAR 18.02.03 OR THE MARYLAND ASSESSMENT PROCEDURES MANUAL; AND

2.".

On page 12, in lines 1, 3, 5, 6, 7, 8, 9, 11, 12, and 13, strike "(i)", "(ii)", "(iii)", "(iv)", "(v)", "(vi)", "(vii)", "(viii)", "(ix)", and "(x)", respectively, and substitute "**A.**", "**B.**", "**C.**", "**D.**", "**E.**", "**F.**", "**G.**", "**H.**", "**I.**", and "**J.**", respectively; in line 13, strike "by the Department of Agriculture"; in line 14, after "activity" insert "**UNDER COMAR 18.02.03 OR THE MARYLAND ASSESSMENT PROCEDURES MANUAL**"; after line 14, insert:

"**(II) "AGRIVOLTAICS" DOES NOT INCLUDE THE SIMULTANEOUS USE OF AREAS OF LAND FOR BOTH SOLAR POWER GENERATION AND:**

1. APIARIES; OR

2. POLLINATOR HABITAT.";

strike in their entirety lines 15 through 22, inclusive; and in line 23, strike "**(4)**" and substitute "**(3)**".

On page 13, in lines 1, 22, 30, and 32, strike "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively; and in the same lines, in each instance, strike the brackets.

On page 14, strike in their entirety lines 6 through 8, inclusive; in lines 9, 15, 17, 19, 22, and 24, strike "**(10)**", "**(11)**", "**(12)**", "**(13)**", "**(14)**", and "**(15)**", respectively; and in the same lines, in each instance, strike the brackets.

On page 15, in lines 1, 6, 11, 13, 22, 24, and 26, strike "**(16)**", "**(17)**", "**(18)**", "**(19)**", "**(20)**", "**(21)**", and "**(22)**", respectively; and in the same lines, in each instance, strike the brackets.

On pages 16 through 19, strike in their entirety the lines beginning with line 22 on page 16 through line 19 on page 19, inclusive.

On page 20, in line 20, after "establish" insert "power purchase agreements,"; in line 21, after "suppliers" insert ", or other procurement models"; in lines 23 and 24, strike "a partnership for a generating station" and substitute "any of the procurement models specified in subsection (a) of this section"; in line 26, strike "by a partnership" and substitute "under any of the procurement models specified in subsection (a) of this section"; in line 28, strike the first "the" and substitute "an"; in the same line, after "partnership" insert "with an electric company"; in line 30, strike "the" and substitute "an"; and in lines 30 and 31, strike "in a partnership" and substitute "using a procurement model specified in subsection (a) of this section".

On page 21, in lines 3, 6 and 7, 11, and 18, in each instance, strike "by a partnership" and substitute "under any of the procurement models specified in subsection (a) of this section"; in line 8, strike "generating station qualifies as a partnership to" and substitute "procurement model will"; in line 12, strike "proposed generating station qualifies as a partnership to" and substitute "procurement model will"; and in line 19, strike "potential partnerships" and substitute "procurement models specified in subsection (a) of this section".

AMENDMENT NO. 4

On page 20, in line 8, strike "**COMMISSION AND THE MARYLAND ENERGY ADMINISTRATION**" and substitute "**MARYLAND DEPARTMENT OF LABOR**"; and in

line 10, strike "**TECHNICAL SAFETY STANDARDS**" and substitute "**A SPECIAL SOLAR CONTRACTOR LICENSE**"; and after line 17, insert:

"**Article – State Government**

9–2017.

(A) ON OR BEFORE DECEMBER 1, 2025, TO ASSIST THE STATE IN MEETING ITS SOLAR ENERGY COMMITMENTS UNDER TITLE 7, SUBTITLE 7 OF THE PUBLIC UTILITIES ARTICLE, THE DEPARTMENT OF NATURAL RESOURCES, IN CONSULTATION WITH THE MARYLAND ENERGY ADMINISTRATION, THE DEPARTMENT OF TRANSPORTATION, AND THE DEPARTMENT OF PLANNING, SHALL UPDATE THE PUBLICLY AVAILABLE SMARTDG+ TOOL TO INCLUDE STATE–OWNED LAND SUITABLE FOR SOLAR ENERGY DEVELOPMENT.

(B) ON OR BEFORE DECEMBER 1, 2026, THE DEPARTMENT OF NATURAL RESOURCES, IN CONSULTATION WITH THE MARYLAND ENERGY ADMINISTRATION, THE DEPARTMENT OF TRANSPORTATION, AND THE DEPARTMENT OF PLANNING, SHALL ANALYZE LAND OWNED BY THE STATE TO IDENTIFY LAND SUITABLE FOR SOLAR ENERGY DEVELOPMENT TO ASSIST THE STATE IN MEETING ITS SOLAR ENERGY COMMITMENTS UNDER TITLE 7, SUBTITLE 7 OF THE PUBLIC UTILITIES ARTICLE.".

AMENDMENT NO. 5

On page 2, after line 5, insert:

"**Article – Natural Resources**

3–306.

(a) (1) Notwithstanding anything to the contrary in this article or the Public Utilities Article, on application to the Public Service Commission for a certificate of public convenience and necessity associated with power plant construction **IN ACCORDANCE WITH § 7–207 OF THE PUBLIC UTILITIES ARTICLE**, the Commission shall notify immediately the Department **[**of Natural Resources**]** and the Department of the Environment of the application.";

and after line 7, insert:

"(b) (1) (i) **[**Unless**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNLESS** a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

1. a generating station; or

2. a qualified generator lead line.

(ii) **[**If a person obtains Commission approval for construction under § 7–207.1 of this subtitle, the Commission shall exempt a person from the requirement to obtain a certificate of public convenience and necessity under this section**]** **A PERSON IS NOT REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER THIS SECTION IF THE PERSON OBTAINS:**

1. COMMISSION APPROVAL FOR CONSTRUCTION UNDER § 7–207.1 OF THIS SUBTITLE; OR

2. A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER § 7–207.4 OF THIS SUBTITLE.".

On page 4, after line 22, insert:

"(h) (1) A county or municipal corporation has the authority to approve or deny any local permit required under a certificate of public convenience and necessity issued under this section **OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7–207.4 OF THIS SUBTITLE**.

(2) A county or municipal corporation shall approve or deny any local permits required under a certificate of public convenience and necessity issued under this section **OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7–207.4 OF THIS SUBTITLE**:

(i) within a reasonable time; and

(ii) to the extent local laws are not preempted by State law, in accordance with local laws.

(3) A county or municipal corporation may not condition the approval of a local permit required under a certificate of public convenience and necessity issued under this section **OR A DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7–207.4 OF THIS SUBTITLE** on receipt of any of the following approvals for any aspect of a generating station, an overhead transmission line, or a qualified lead line proposed to be constructed under the certificate:

(i) a conditional use approval;

(ii) a special exception approval; or

(iii) a floating zone approval.

7–207.1.

(c) (1) The Commission shall require a person that is exempted from the requirement to obtain a certificate of public convenience and necessity **UNDER § 7–207(B)(1)(II)1 OF THIS SUBTITLE** to obtain approval from the Commission under this section before the person may construct a generating station described in subsection (b) of this section.

7–207.4.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "DISTRIBUTED GENERATION CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY" OR "DGCPCN" MEANS A CERTIFICATE ISSUED BY THE COMMISSION UNDER THIS SECTION THAT AUTHORIZES THE CONSTRUCTION AND OPERATION OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM.

(3) "DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM" MEANS A COMMUNITY SOLAR ENERGY GENERATING SYSTEM, AS DEFINED IN § 7–306.2 OF THIS TITLE, THAT:

(I) WOULD BE REQUIRED TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER § 7–207 OF THIS SUBTITLE IF THE SYSTEM DOES NOT OBTAIN A DGCPCN UNDER THIS SECTION;

(II) HAS A CAPACITY TO PRODUCE MORE THAN 2 MEGAWATTS BUT NOT MORE THAN 5 MEGAWATTS OF ALTERNATING CURRENT AS MEASURED BY THE ALTERNATING CURRENT RATING OF THE SYSTEM'S INVERTER; AND

(III) IS NOT LOCATED WITHIN A MUNICIPAL CORPORATION.

(4) "FOREST" HAS THE MEANING STATED IN § 5–1601 OF THE NATURAL RESOURCES ARTICLE.

(5) "POWER PLANT RESEARCH PROGRAM" MEANS THE PROGRAM WITHIN THE DEPARTMENT OF NATURAL RESOURCES UNDER TITLE 3, SUBTITLE 3 OF THE NATURAL RESOURCES ARTICLE.

(6) "STANDARD LICENSING CONDITIONS" MEANS THE PREDETERMINED LICENSING CONDITIONS ADOPTED BY THE COMMISSION UNDER THIS SECTION FOR THE CONSTRUCTION AND OPERATION OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPCN UNDER THIS SECTION.

(7) "STANDARD SITING AND DESIGN REQUIREMENTS" MEANS THE PREDETERMINED OBJECTIVE REQUIREMENTS ADOPTED BY THE COMMISSION UNDER THIS SECTION FOR THE SITING AND DESIGN OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM THAT HAS BEEN ISSUED A DGCPCN UNDER THIS SECTION.

(B) (1) ON OR BEFORE JULY 1, 2026, THE POWER PLANT RESEARCH PROGRAM, AFTER GIVING NOTICE AND OPPORTUNITY FOR PUBLIC COMMENT, SHALL DEVELOP AND SUBMIT TO THE COMMISSION PROPOSED STANDARD SITING AND DESIGN REQUIREMENTS AND PROPOSED STANDARD LICENSING CONDITIONS FOR THE ISSUANCE OF A DGCPCN.

(2) IN DEVELOPING THE PROPOSED STANDARD SITING AND DESIGN REQUIREMENTS AND THE PROPOSED STANDARD LICENSING

CONDITIONS, THE POWER PLANT RESEARCH PROGRAM SHALL:

(I) CONSIDER ACHIEVEMENT OF THE STATE'S CLIMATE AND RENEWABLE ENERGY COMMITMENTS;

(II) CONSIDER REASONABLE SETBACKS AND LANDSCAPE SCREENING REQUIREMENTS;

(III) CONSIDER ENVIRONMENTAL PRESERVATION, INCLUDING PROHIBITIONS ON FOREST CLEARANCE EXCEPT WHERE NECESSARY TO:

1. REDUCE SOLAR PANEL SHADING NEAR THE PERIMETER OF THE PROJECT SITE;

2. FACILITATE INTERCONNECTION INFRASTRUCTURE; AND

3. ENSURE ADEQUATE SITE ACCESS;

(IV) CONSIDER STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND SITE STABILIZATION, ACCOUNTING FOR:

1. THE EFFECTS ON RUNOFF FROM SOLAR PANELS AND ASSOCIATED EQUIPMENT;

2. THE EFFECTS OF SOIL CHARACTERISTICS AND COMPACTION ON RUNOFF; AND

3. THE EFFECTS OF THE GROUND COVER UNDER AND BETWEEN THE SOLAR PANELS ON RUNOFF;

(V) CONSIDER MINIMIZATION AND MITIGATION OF THE EFFECTS OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM ON HISTORIC SITES;

(VI) CONSIDER PUBLIC SAFETY;

(VII) CONSIDER INDUSTRY BEST PRACTICES;

(VIII) CONSIDER ENSURING THE STABILITY AND RELIABILITY OF THE ELECTRIC SYSTEM BY REQUIRING THE APPLICANT TO SUBMIT A SIGNED INTERCONNECTION AGREEMENT WITH THE ELECTRIC COMPANY BEFORE THE START OF CONSTRUCTION;

(IX) CONSIDER LICENSING CONDITIONS PREVIOUSLY ADOPTED BY THE COMMISSION FOR SOLAR ENERGY GENERATING SYSTEMS, INCLUDING REQUIREMENTS RELATED TO DECOMMISSIONING;

(X) ENSURE THE STANDARD SITING AND DESIGN REQUIREMENTS ARE CONSISTENT WITH § 7–218 OF THIS SUBTITLE; AND

(XI) CONSIDER ANY OTHER REQUIREMENTS DETERMINED NECESSARY BY THE POWER PLANT RESEARCH PROGRAM.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JULY 1, 2027, THE COMMISSION SHALL ADOPT REGULATIONS TO:

(I) IMPLEMENT STANDARD SITING AND DESIGN REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGCPCN;

(II) SPECIFY THE FORM OF THE APPLICATION FOR A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM TO RECEIVE A DGCPCN AND ANY APPLICATION FEE;

(III) SPECIFY THE COMMISSION'S PROCEDURE FOR PROCESSING AN APPLICATION FOR A DGCPCN; AND

(IV) ESTABLISH THE TIME PERIOD WITHIN WHICH THE POWER PLANT RESEARCH PROGRAM MUST MAKE THE DETERMINATION UNDER SUBSECTION (F) OF THIS SECTION.

(2) THE COMMISSION SHALL:

(I) CONSIDER THE PROPOSED STANDARD SITING AND DESIGN REQUIREMENTS AND THE PROPOSED STANDARD LICENSING CONDITIONS DEVELOPED BY THE POWER PLANT RESEARCH PROGRAM IN ADOPTING THE REGULATIONS UNDER THIS SUBSECTION; AND

(II) ENSURE REGULATIONS ADOPTED TO IMPLEMENT STANDARD SITING AND DESIGN REQUIREMENTS ARE CONSISTENT WITH § 7–218 OF THIS SUBTITLE.

(3) (I) THE COMMISSION, IN CONSULTATION WITH THE POWER PLANT RESEARCH PROGRAM, MAY PERIODICALLY SOLICIT PUBLIC COMMENTS REGARDING IMPROVEMENTS TO THE STANDARD SITING AND DESIGN REQUIREMENTS AND STANDARD LICENSING CONDITIONS FOR A DGCPCN.

(II) THE PROCESS FOR SOLICITING PUBLIC COMMENTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE THE SAME AS THE PROCESS FOR SOLICITING PUBLIC COMMENT REGARDING THE ADOPTION OF A REGULATION.

(4) (I) THE COMMISSION AND THE DEPARTMENT OF NATURAL RESOURCES MAY JOINTLY SET AN APPLICATION FEE FOR A DGCPCN APPLICATION AT AN AMOUNT THAT THE COMMISSION AND THE DEPARTMENT OF NATURAL RESOURCES DETERMINE MAY OFFSET THE ADMINISTRATIVE COSTS OF THE DGCPCN APPROVAL PROCESS THAT ARE INCURRED BY THE COMMISSION AND THE DEPARTMENT OF NATURAL RESOURCES.

(II) THE ADMINISTRATIVE COSTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE BASED ON AN ESTIMATE OF THE NUMBER OF DGCPCN APPLICATIONS THAT WILL BE FILED WITH THE COMMISSION EACH YEAR.

(D) (1) A PERSON MAY NOT BEGIN CONSTRUCTION OF A DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM UNLESS:

(I) A DGCPCN IS FIRST OBTAINED FROM THE COMMISSION IN ACCORDANCE WITH THIS SECTION; OR

(II) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY IS FIRST OBTAINED FROM THE COMMISSION IN ACCORDANCE WITH § 7–207 OF THIS SUBTITLE.

(2) AT LEAST 30 DAYS BEFORE SUBMITTING AN APPLICATION FOR

A DGCPCN TO THE COMMISSION, THE APPLICANT SHALL SUBMIT A COPY OF THE APPLICATION TO THE GOVERNING BODY OF THE COUNTY IN WHICH THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM IS PROPOSED TO BE LOCATED.

(3) WHEN A PERSON SUBMITS AN APPLICATION FOR A DGCPCN TO THE COMMISSION, THE PERSON SHALL SUBMIT A COPY OF THE APPLICATION TO THE POWER PLANT RESEARCH PROGRAM.

(E) (1) AFTER RECEIVING AN APPLICATION FOR A DGCPCN BUT BEFORE A DETERMINATION IS MADE UNDER SUBSECTION (F) OF THIS SECTION, THE COMMISSION SHALL PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT AND HOLD A PUBLIC HEARING ON AN APPLICATION FOR A DGCPCN IN EACH COUNTY IN WHICH ANY PORTION OF THE CONSTRUCTION OF THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM IS PROPOSED TO BE LOCATED.

(2) THE COMMISSION MAY HOLD THE PUBLIC HEARING VIRTUALLY RATHER THAN IN PERSON IF THE COMMISSION PROVIDES A COMPARABLE OPPORTUNITY FOR PUBLIC COMMENT AND PARTICIPATION IN THE HEARING.

(F) (1) AFTER AN APPLICATION FOR A DGCPCN IS FILED WITH THE COMMISSION AND WITHIN THE TIME PERIOD SET BY THE COMMISSION UNDER SUBSECTION (C)(1)(IV) OF THIS SECTION, THE POWER PLANT RESEARCH PROGRAM SHALL:

(I) DETERMINE WHETHER THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN REQUIREMENTS FOR THE DGCPCN; AND

(II) NOTIFY THE COMMISSION IN WRITING AS TO THE DETERMINATION MADE UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING HOW AN APPLICATION THAT IS DETERMINED NOT TO SATISFY THE STANDARD SITING AND DESIGN REQUIREMENTS CAN CURE THE DEFICIENCY.

(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE POWER PLANT RESEARCH PROGRAM SHALL CONSIDER PUBLIC COMMENTS RECEIVED BY THE COMMISSION.

(G) (1) WITHIN 60 DAYS AFTER THE POWER PLANT RESEARCH PROGRAM MAKES ITS DETERMINATION UNDER SUBSECTION (F)(1) OF THIS SECTION, THE COMMISSION SHALL SCHEDULE A HEARING TO CONSIDER THE APPLICATION FOR A DGCPCN.

(2) (I) AT THE HEARING UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL DETERMINE WHETHER THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN REQUIREMENTS.

(II) THE COMMISSION SHALL ISSUE A DGCPCN TO AN APPLICANT TO CONSTRUCT A PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SUBJECT TO THE STANDARD LICENSING CONDITIONS IF THE COMMISSION DETERMINES THAT THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM SATISFIES THE STANDARD SITING AND DESIGN REQUIREMENTS.

(III) THE COMMISSION MAY NOT ISSUE A DGCPCN TO AN APPLICANT IF THE PROPOSED DISTRIBUTED SOLAR ENERGY GENERATING

SYSTEM DOES NOT SATISFY EACH OF THE STANDARD SITING AND DESIGN REQUIREMENTS.

(3) IN MAKING A DETERMINATION UNDER THIS SUBSECTION, THE COMMISSION SHALL CONSIDER PUBLIC COMMENTS RECEIVED BY THE COMMISSION UNDER SUBSECTION (E) OF THIS SECTION.

(H) (1) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION SHALL REQUIRE THE PERSON CONSTRUCTING THE DISTRIBUTED SOLAR ENERGY GENERATING SYSTEM TO OBTAIN THE FOLLOWING PERMITS AND APPROVALS FROM THE COUNTY, MUNICIPAL CORPORATION, OR SOIL CONSERVATION DISTRICT IN WHICH THE SYSTEM IS TO BE CONSTRUCTED:

(I) SITE PLAN APPROVAL;

(II) STORMWATER MANAGEMENT PLAN APPROVAL;

(III) EROSION AND SEDIMENT CONTROL PLAN APPROVAL;

(IV) ALL APPLICABLE BUILDING AND ELECTRICAL PERMITS; AND

(V) ANY ADDITIONAL LOCAL PERMIT REQUIRED BY THE STANDARD LICENSING CONDITIONS.

(2) THE PROVISIONS OF § 7–207(H) OF THIS SUBTITLE SHALL APPLY TO ANY PERMITS AND APPROVALS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(I) A DGCPCN ISSUED BY THE COMMISSION UNDER THIS SECTION HAS THE SAME FORCE AND EFFECT AS A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER § 7–207 OF THIS SUBTITLE.".

On page 21, after line 25, insert:

"SECTION 7. AND BE IT FURTHER ENACTED, That provisions relating to § 7–207.4 of the Public Utilities Article in Section 1 of this Act may not be applied or interpreted to have any effect on or application to the construction or modification of any solar energy generating system for which a certificate of public convenience and necessity or other required approval was obtained before the effective date of the regulations adopted by the Public Service Commission under § 7–207.4(c) of the Public Utilities Article, as enacted by Section 1 of this Act.".