

HB2100/343422/1

BY: Delegate Miller

AMENDMENTS TO HOUSE BILL 2100
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute “**Constitutional Amendments – Election Districts and Hyperscale Data Center Infrastructure Moratorium**”; in line 6, strike “and”; in line 8, after “plan” insert “; and establishing a temporary moratorium on the approval, permitting, and construction of certain data center facilities and campuses”;

and after line 14, insert:

“BY proposing an addition to the Maryland Constitution
Article XVIII – Provisions of Limited Duration
Section 6”.

AMENDMENT NO. 2

On page 2, after line 25, insert:

“Article XVIII – Provisions of Limited Duration

6.

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

(2) “HYPERSCALE DATA CENTER CAMPUS” MEANS A MASTER-PLANNED PARCEL, CONTIGUOUS PARCELS, OR AN INDUSTRIAL PARK DESIGNED TO HOUSE MULTIPLE DATA CENTER BUILDINGS UNDER COMMON MANAGEMENT OR INFRASTRUCTURE WITH A COMBINED PLANNED ELECTRICAL DEMAND EXCEEDING 100 MEGAWATTS.

(3) “HYPERSCALE DATA CENTER FACILITY” MEANS A SINGLE BUILDING OR STRUCTURE USED MAINLY TO HOUSE COMPUTER SERVERS AND ASSOCIATED DATA STORAGE EQUIPMENT THAT DEMANDS AN AGGREGATE CONNECTED ELECTRICAL LOAD EXCEEDING 100 MEGAWATTS.

(4) “LOCALITY” MEANS A COUNTY, MUNICIPALITY, OR ANY OTHER POLITICAL SUBDIVISION OF THE STATE.

(B) (1) THIS SUBSECTION DOES NOT APPLY WITH RESPECT TO:

(I) A DATA CENTER CAMPUS OR PROPERTY, APPROVED AND PERMITTED BEFORE THE EFFECTIVE DATE OF CHAPTER (S.B. 2100)(H.B. 2100) OF THE ACTS OF THE SPECIAL SESSION OF THE GENERAL ASSEMBLY OF 2026, LOCATED IN FREDERICK COUNTY, THAT WAS INITIALLY ACQUIRED AND DESIGNATED FOR HIGH-DENSITY DIGITAL INFRASTRUCTURE BEFORE DECEMBER 31, 2021;

(II) A DATA CENTER FACILITY THAT RECEIVED FINAL SITE PLAN OR LOCAL PERMIT APPROVAL BEFORE JUNE 17, 2025; OR

(III) A ROUTINE REPAIR, MAINTENANCE, OR EFFICIENCY UPGRADE OF OPERATIONAL FACILITIES THAT DOES NOT INCREASE THE AGGREGATE CONNECTED ELECTRICAL LOAD BY MORE THAN 10 MEGAWATTS.

(2) (I) IN ORDER TO SAFEGUARD PUBLIC HEALTH, PRESERVE WATER RESOURCES, PROTECT LOCAL AIR QUALITY, AND MAINTAIN THE RELIABILITY AND AFFORDABILITY OF THE ELECTRIC GRID FOR RESIDENTS OF THE STATE, THERE IS A TEMPORARY MORATORIUM ON NEW HYPERSCALE DATA CENTER DEVELOPMENTS.

(II) THE STATE OR A LOCALITY MAY NOT ACCEPT, PROCESS, REVIEW, OR GRANT FINAL APPROVAL FOR A REZONING, A SPECIAL EXCEPTION, A SITE PLAN, A BUILDING PERMIT, AN ENVIRONMENTAL PERMIT, OR A PERMIT TO CONSTRUCT FOR A NEW HYPERSCALE DATA CENTER FACILITY OR HYPERSCALE DATA CENTER CAMPUS.

(C) THE MORATORIUM ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL REMAIN IN EFFECT UNTIL THE LATER OF:

(1) 2 YEARS AFTER THE EFFECTIVE DATE OF CHAPTER _____ (S.B. 2100)(H.B. 2100) OF THE ACTS OF THE SPECIAL SESSION OF THE GENERAL ASSEMBLY OF 2026; OR

(2) THE ENACTMENT OF A PUBLIC GENERAL LAW ADDRESSING THE CUMULATIVE ENVIRONMENTAL IMPACTS, WATER CONSUMPTION RESTRICTIONS, ELECTRIC GRID COST-ALLOCATION PROTECTIONS, AND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIREMENTS FOR HYPERSCALE DIGITAL INFRASTRUCTURE FACILITIES.”.

On page 3, in line 13, strike “and”; and in line 15, after “laws” insert “; and institutes a moratorium on hyperscale data center facilities”.