

# SENATE BILL 418

C5, M5

2lr0808  
CF HB 569

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By: **Senator Feldman**

Introduced and read first time: January 26, 2022

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 7, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Energy Generation, ~~Transmission, and Storage~~ Projects – Required Community**  
3 **Benefit Agreement and Labor Standards**

4 FOR the purpose of requiring ~~the Public Service Commission to condition~~ a person who is  
5 a developer of a project, on the approval of a certificate of public convenience and  
6 necessity for the construction of a certain generating station or qualified generator  
7 lead line and an exemption from the requirement for a certificate of public  
8 convenience and necessity ~~on the requirement that the developer of the project, to~~  
9 take all reasonable actions to enter into a community benefits agreement and adhere  
10 to certain labor standards and reporting requirements; establishing certain labor  
11 standards and certain community benefit, certification, reporting, and  
12 record-keeping requirements related to the construction of a covered project;  
13 subjecting a developer, contractor, or subcontractor to debarment or other penalties  
14 for knowingly submitting a certification with false, misleading, or materially  
15 inaccurate information; and generally relating to energy generation, ~~transmission,~~  
16 ~~and storage~~ projects.

17 BY adding to  
18 Article – Labor and Employment  
19 Section 3-718  
20 Annotated Code of Maryland  
21 (2016 Replacement Volume and 2021 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – Public Utilities

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### 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 Section 7-207(a)(1), (3), and (5) and (b)(1)(i) and (ii) and 7-207.1(a) and (b)(1)  
 2 Annotated Code of Maryland  
 3 (2020 Replacement Volume and 2021 Supplement)

4 BY adding to  
 5 Article – Public Utilities  
 6 Section ~~7-207(h)~~, 7-207(h) and 7-207.1(g), ~~and 7-207.3~~  
 7 Annotated Code of Maryland  
 8 (2020 Replacement Volume and 2021 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 10 That the Laws of Maryland read as follows:

11 ~~Article – Public Utilities~~

12 ~~7-207.~~

13 (a) ~~(1) In this section the following words have the meanings indicated:~~

14 ~~(3) (i) “Construction” means:~~

15 ~~1. any physical change at a site, including fabrication,~~  
 16 ~~erection, installation, or demolition; or~~

17 ~~2. the entry into a binding agreement or contractual~~  
 18 ~~obligation to purchase equipment exclusively for use in construction in the State or to~~  
 19 ~~undertake a program of actual construction in the State which cannot be canceled or~~  
 20 ~~modified without substantial loss to the owner or operator of the proposed generating~~  
 21 ~~station.~~

22 ~~(ii) “Construction” does not include a change that is needed for the~~  
 23 ~~temporary use of a site or route for nonutility purposes or for use in securing geological~~  
 24 ~~data, including any boring that is necessary to ascertain foundation conditions.~~

25 ~~(5) “Qualified generator lead line” means an overhead transmission line~~  
 26 ~~that is designed to carry a voltage in excess of 69,000 volts and would allow an out-of-state~~  
 27 ~~Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in~~  
 28 ~~Maryland that is owned by an electric company.~~

29 (b) ~~(1) (i) Unless a certificate of public convenience and necessity for the~~  
 30 ~~construction is first obtained from the Commission, a person may not begin construction in~~  
 31 ~~the State of:~~

32 ~~1. a generating station; or~~

33 ~~2. a qualified generator lead line.~~

1                   (ii) ~~If a person obtains Commission approval for construction under~~  
2 ~~§ 7-207.1 of this subtitle, the Commission shall exempt a person from the requirement to~~  
3 ~~obtain a certificate of public convenience and necessity under this section.~~

4           (H) ~~THE COMMISSION SHALL CONDITION APPROVAL OF A CERTIFICATE OF~~  
5 ~~PUBLIC CONVENIENCE AND NECESSITY ON THE REQUIREMENT THAT THE PERSON~~  
6 ~~CONSTRUCTING A PROPOSED GENERATING STATION COMPLY WITH THE~~  
7 ~~REQUIREMENTS OF § 7-207.3 OF THIS SUBTITLE, AS APPLICABLE.~~

8 ~~7-207.1.~~

9           (a) ~~This section applies to a person who:~~

10           (1) ~~constructs a generating station:~~

11                   (i) ~~designed to provide on-site generated electricity if:~~

12                           1. ~~the capacity of the generating station does not exceed 70~~  
13 ~~megawatts; and~~

14                           2. ~~the electricity that may be exported for sale from the~~  
15 ~~generating station to the electric system is sold only on the wholesale market pursuant to~~  
16 ~~an interconnection, operation, and maintenance agreement with the local electric company;~~  
17 ~~or~~

18                   (ii) ~~that produces electricity from wind if:~~

19                           1. ~~the generating station is land-based;~~

20                           2. ~~the capacity of the generating station does not exceed 70~~  
21 ~~megawatts;~~

22                           3. ~~the electricity that may be exported for sale from the~~  
23 ~~generating station to the electric system is sold only on the wholesale market pursuant to~~  
24 ~~an interconnection, operation, and maintenance agreement with the local electric company;~~

25                           4. ~~the Commission provides an opportunity for public~~  
26 ~~comment at a public hearing as provided in subsection (f) of this section; and~~

27                           5. ~~the generating station's wind turbines are not located~~  
28 ~~within a distance from the Patuxent River Naval Air Station that is determined by~~  
29 ~~regulations adopted by the Commission in coordination with the Commander, Naval Air~~  
30 ~~Warfare Center Aircraft Division, provided that the distance requirement under the~~  
31 ~~regulation is:~~

1 ~~A. not greater than is necessary to encompass an area in~~  
 2 ~~which utility scale wind turbines could create Doppler radar interference for missions at~~  
 3 ~~the Patuxent River Naval Air Station;~~

4 ~~B. not greater than 46 miles, measured from location~~  
 5 ~~38.29667N, 76.37668W; and~~

6 ~~C. subject to modification if necessary to reflect changes in~~  
 7 ~~missions or technology at the Patuxent River Naval Air Station or changes in wind energy~~  
 8 ~~technology; or~~

9 ~~(2) constructs a generating station if:~~

10 ~~(i) the capacity of the generating station does not exceed 25~~  
 11 ~~megawatts;~~

12 ~~(ii) the electricity that may be exported for sale from the generating~~  
 13 ~~station to the electric system is sold only on the wholesale market pursuant to an~~  
 14 ~~interconnection, operation, and maintenance agreement with the local electric company;~~  
 15 ~~and~~

16 ~~(iii) at least 10% of the electricity generated at the generating station~~  
 17 ~~each year is consumed on-site.~~

18 ~~(b) (1) The Commission shall require a person that is exempted from the~~  
 19 ~~requirement to obtain a certificate of public convenience and necessity to obtain approval~~  
 20 ~~from the Commission under this section before the person may construct a generating~~  
 21 ~~station described in subsection (a) of this section.~~

22 ~~(c) THE COMMISSION SHALL CONDITION APPROVAL OF AN EXEMPTION~~  
 23 ~~FROM THE REQUIREMENT TO OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND~~  
 24 ~~NECESSITY ON THE REQUIREMENT THAT THE PERSON CONSTRUCTING THE~~  
 25 ~~PROPOSED GENERATING STATION COMPLY WITH THE REQUIREMENTS OF § 7-207.3~~  
 26 ~~OF THIS SUBTITLE, AS APPLICABLE.~~

27 ~~7-207.3.~~

## 28 Article – Labor and Employment

29 3-718.

30 (A) (1) IN THIS SECTION ~~THE FOLLOWING WORDS HAVE THE MEANINGS~~  
 31 ~~INDICATED:~~

32 ~~(2) (i) “COVERED PROJECT” MEANS, “COVERED PROJECT”~~  
 33 ~~MEANS:~~

1 ~~1.~~ A GENERATION STATION WITH A CUMULATIVE  
 2 NAMEPLATE CAPACITY OF 2 MEGAWATTS OR MORE ~~THAT PRODUCES ENERGY FROM~~  
 3 ~~A TIER 1 RENEWABLE SOURCE, A TIER 2 RENEWABLE SOURCE, OR NUCLEAR~~  
 4 ~~ENERGY; OR~~

5 ~~2.~~ ~~AN ENERGY STORAGE DEVICE WITH A CUMULATIVE~~  
 6 ~~NAMEPLATE CAPACITY OF 2 MEGAWATTS OR MORE~~ FOR WHICH THE PUBLIC  
 7 SERVICE COMMISSION HAS APPROVED:

8 (I) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
 9 UNDER § 7-207 OF THE PUBLIC UTILITIES ARTICLE; OR

10 (II) AN EXEMPTION FROM THE REQUIREMENT TO OBTAIN A  
 11 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER § 7-207.1 OF THE  
 12 PUBLIC UTILITIES ARTICLE.

13 ~~(H)~~ (2) "COVERED PROJECT" DOES NOT INCLUDE:

14 ~~1.~~ AN OFF-SHORE WIND PROJECT UNDER § 7-704.1 OF  
 15 ~~THIS TITLE~~ THE PUBLIC UTILITIES ARTICLE; OR

16 ~~2.~~ ~~AN ENERGY STORAGE PROJECT UNDER § 7-216 OF~~  
 17 ~~THIS SUBTITLE.~~

18 ~~(3) (I) "ENERGY STORAGE DEVICE" MEANS A RESOURCE CAPABLE~~  
 19 ~~OF ABSORBING ELECTRICAL ENERGY, STORING IT FOR A PERIOD OF TIME, AND~~  
 20 ~~DELIVERING THE ENERGY FOR USE AT A LATER TIME AS NEEDED, REGARDLESS OF~~  
 21 ~~WHERE THE RESOURCE IS LOCATED ON THE ELECTRIC DISTRIBUTION SYSTEM.~~

22 ~~(II) "ENERGY STORAGE DEVICE" INCLUDES ALL TYPES OF~~  
 23 ~~ELECTRIC STORAGE TECHNOLOGIES, REGARDLESS OF THEIR SIZE, STORAGE~~  
 24 ~~MEDIUM, OR OPERATIONAL PURPOSE.~~

25 (B) THIS SECTION APPLIES ONLY TO THE CONSTRUCTION OF A COVERED  
 26 PROJECT.

27 (C) THE DEVELOPER OF A COVERED PROJECT SHALL TAKE ALL  
 28 REASONABLE ACTIONS TO ENTER INTO A COMMUNITY BENEFITS AGREEMENT WITH  
 29 A COMMUNITY-BASED ORGANIZATION OR COLLECTION OF COMMUNITY-BASED  
 30 ORGANIZATIONS REPRESENTING THE COMMUNITY AFFECTED BY THE PROJECT  
 31 THAT:

1           **(1) DETAILS THE CONTRIBUTIONS THAT THE PROJECT WILL BRING**  
2 **TO THE COMMUNITY IN WHICH THE PROJECT WILL BE LOCATED;**

3           **(2) DETAILS ACTIONS TO BE TAKEN TO MITIGATE ADVERSE**  
4 **CONDITIONS CAUSED BY THE PROJECT;**

5           **(3) PROMOTES INCREASED OPPORTUNITIES FOR LOCAL BUSINESSES**  
6 **AND SMALL, MINORITY, WOMEN-OWNED, AND VETERAN-OWNED BUSINESSES IN THE**  
7 **ENERGY INDUSTRY;**

8           **(4) PROMOTES SAFE COMPLETION OF THE PROJECT BY ENSURING**  
9 **THAT AT LEAST 80% OF THE CRAFT WORKERS ON THE PROJECT HAVE COMPLETED**  
10 **AN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION 10-HOUR OR 30-HOUR**  
11 **COURSE;**

12           **(5) PROMOTES CAREER TRAINING OPPORTUNITIES IN THE**  
13 **CONSTRUCTION INDUSTRY FOR LOCAL RESIDENTS, VETERANS, WOMEN, AND**  
14 **MINORITIES; AND**

15           **(6) PROVIDES FOR BEST EFFORTS AND EFFECTIVE OUTREACH TO**  
16 **OBTAIN, AS A GOAL, THE USE OF A WORKFORCE INCLUDING MINORITIES, TO THE**  
17 **EXTENT PRACTICABLE, AS SUPPORTED BY A DISPARITY STUDY; ~~AND~~**

18           ~~**(7) REFLECTS A 21ST CENTURY LABOR MANAGEMENT APPROACH**~~  
19 ~~**BASED ON COOPERATION, HARMONY, AND PARTNERSHIP.**~~

20           **(D) THE DEVELOPER OF A COVERED PROJECT SHALL ENSURE THAT**  
21 **WORKERS ARE PAID NOT LESS THAN THE PREVAILING WAGE RATE DETERMINED**  
22 **UNDER TITLE 17, SUBTITLE 2 OF THE STATE FINANCE AND PROCUREMENT**  
23 **ARTICLE UNLESS THE COVERED PROJECT IS SUBJECT TO A PROJECT LABOR**  
24 **AGREEMENT THAT:**

25           **(1) BINDS ALL CONTRACTORS AND SUBCONTRACTORS ON THE**  
26 **COVERED PROJECT THROUGH THE INCLUSION OF SPECIFICATIONS IN ALL**  
27 **RELEVANT SOLICITATION PROVISIONS AND CONTRACT DOCUMENTS;**

28           **(2) ALLOWS ALL CONTRACTORS AND SUBCONTRACTORS TO COMPETE**  
29 **FOR CONTRACTS AND SUBCONTRACTS ON THE PROJECT WITHOUT REGARD TO**  
30 **WHETHER THEY ARE OTHERWISE PARTIES TO COLLECTIVE BARGAINING**  
31 **AGREEMENTS;**

32           **(3) ESTABLISHES UNIFORM TERMS AND CONDITIONS OF**  
33 **EMPLOYMENT FOR ALL CONSTRUCTION LABOR EMPLOYED ON THE PROJECTS;**

1           **(4) GUARANTEES AGAINST STRIKES, LOCKOUTS, AND SIMILAR JOB**  
2 **DISRUPTIONS;**

3           **(5) ESTABLISHES MUTUALLY BINDING PROCEDURES FOR RESOLVING**  
4 **LABOR DISPUTES; AND**

5           **(6) INCLUDES ANY OTHER PROVISIONS NEGOTIATED BY THE PARTIES**  
6 **TO PROMOTE SUCCESSFUL DELIVERY OF THE COVERED PROJECT.**

7           **(E) (1) THE DEVELOPER OF A COVERED PROJECT SHALL ENSURE THAT**  
8 **EACH CONTRACTOR AND SUBCONTRACTOR INVOLVED IN THE CONSTRUCTION OF**  
9 **THE PROJECT COMPLETES A CERTIFICATION THAT THE CONTRACTOR OR**  
10 **SUBCONTRACTOR:**

11                   **(I) HAS THE NECESSARY RESOURCES TO PERFORM THE**  
12 **PORTION OF THE COVERED PROJECT TO WHICH THE CONTRACTOR OR**  
13 **SUBCONTRACTOR IS ASSIGNED, INCLUDING THE NECESSARY TECHNICAL,**  
14 **FINANCIAL, AND PERSONNEL RESOURCES;**

15                   **(II) HAS ALL REQUIRED LICENSES, CERTIFICATIONS, OR**  
16 **CREDENTIALS REQUIRED UNDER STATE OR LOCAL LAW;**

17                   **(III) FOR EACH CONSTRUCTION TRADE EMPLOYED ON THE**  
18 **COVERED PROJECT, PARTICIPATES IN APPRENTICESHIP TRAINING THROUGH AN**  
19 **APPRENTICESHIP PROGRAM REGISTERED WITH THE MARYLAND DEPARTMENT OF**  
20 **LABOR OR A FEDERALLY RECOGNIZED STATE APPRENTICESHIP AGENCY;**

21                   **(IV) DURING THE IMMEDIATELY PRECEDING 3 YEARS:**

22                           **1. HAS NOT BEEN DEBARRED BY ANY GOVERNMENT**  
23 **AGENCY;**

24                           **2. HAS NOT DEFAULTED ON ANY PROJECT;**

25                           **3. HAS NOT HAD ANY LICENSE, CERTIFICATION, OR**  
26 **OTHER CREDENTIAL RELATING TO THE BUSINESS REVOKED OR SUSPENDED; AND**

27                           **4. HAS NOT BEEN FOUND IN VIOLATION OF ANY LAW**  
28 **APPLICABLE TO THE BUSINESS OF THE CONTRACTOR OR SUBCONTRACTOR THAT**  
29 **RESULTED IN THE PAYMENT OF A FINE, BACK PAY DAMAGES, OR ANY OTHER**  
30 **PENALTY IN THE AMOUNT OF \$10,000 OR MORE;**

1 (V) WILL PAY INDIVIDUALS EMPLOYED ON THE PROJECT NOT  
2 LESS THAN THE APPLICABLE WAGE AND FRINGE BENEFIT RATES FOR THE  
3 CLASSIFICATION IN WHICH EACH INDIVIDUAL IS EMPLOYED; AND

4 (VI) HAS NOT MISCLASSIFIED AND WILL NOT MISCLASSIFY  
5 EMPLOYEES AS INDEPENDENT CONTRACTORS.

6 (2) (I) THE DEVELOPER OF A COVERED PROJECT SHALL SUBMIT  
7 TO THE MARYLAND DEPARTMENT OF LABOR A CERTIFICATION OF COMPLIANCE  
8 WITH THE REQUIREMENTS OF THIS SUBSECTION NOT LATER THAN 30 DAYS BEFORE  
9 COMMENCEMENT OF CONSTRUCTION OF THE PROJECT.

10 (II) IF A COVERED PROJECT IS SUBJECT TO A PROJECT LABOR  
11 AGREEMENT DESCRIBED IN SUBSECTION (D) OF THIS SECTION, THE DEVELOPER OF  
12 THE COVERED PROJECT SHALL SUBMIT A COPY OF THE PROJECT LABOR  
13 AGREEMENT WITH THE CERTIFICATION OF COMPLIANCE.

14 (3) IF A CERTIFICATION CONTAINS FALSE, MISLEADING, OR  
15 MATERIALLY INACCURATE INFORMATION, THE DEVELOPER, CONTRACTOR, OR  
16 SUBCONTRACTOR THAT EXECUTED THE CERTIFICATION SHALL, AFTER NOTICE AND  
17 OPPORTUNITY TO BE HEARD, BE SUBJECT TO DEBARMENT FROM ENTERING INTO A  
18 CONTRACT WITH A PUBLIC BODY.

19 (4) EACH CONTRACTOR AND SUBCONTRACTOR ON A COVERED  
20 PROJECT SHALL BE SUBJECT TO ALL REPORTING AND COMPLIANCE REQUIREMENTS  
21 OF THIS SECTION AND OTHER STATE LAW.

22 (5) A CONTRACTOR OR SUBCONTRACTOR THAT VIOLATES THIS  
23 SUBSECTION SHALL BE SUBJECT TO PENALTIES ESTABLISHED BY THE MARYLAND  
24 DEPARTMENT OF LABOR BY REGULATION.

25 (F) (1) THIS SUBSECTION DOES NOT APPLY TO A COVERED PROJECT FOR  
26 WHICH THERE IS A PROJECT LABOR AGREEMENT DESCRIBED IN SUBSECTION (D) OF  
27 THIS SECTION.

28 (2) EACH DEVELOPER, CONTRACTOR, AND SUBCONTRACTOR SHALL  
29 MAINTAIN RECORDS RELATING TO THE WAGES AND HOURS WORKED BY EACH  
30 INDIVIDUAL PERFORMING THE WORK ON A COVERED PROJECT, INCLUDING:

31 (I) A SCHEDULE OF THE OCCUPATION OR WORK  
32 CLASSIFICATION OF EACH INDIVIDUAL WORKING ON THE PROJECT; AND

33 (II) A SCHEDULE OF THE WORK HOURS THAT EACH INDIVIDUAL  
34 WORKING ON THE PROJECT PERFORMED WITH SUFFICIENT DETAIL THAT THE



1 MARYLAND DEPARTMENT OF LABOR REQUIRES TO ENSURE THE PROPER  
2 PAYMENTS OF WAGES WERE MADE.

3 (3) THE RECORDS SHALL INCLUDE A STATEMENT SIGNED BY THE  
4 DEVELOPER, CONTRACTOR, OR SUBCONTRACTOR THAT INDICATES:

5 (I) THE RECORDS ARE CORRECT;

6 (II) THE RATE OF WAGES PAID TO EACH INDIVIDUAL ARE NOT  
7 LESS THAN THE PREVAILING WAGE FOR THAT INDIVIDUAL'S TRADE;

8 (III) THE AMOUNT OF WAGES PAID IS NOT LESS THAN THE  
9 AMOUNT REQUIRED BY THE CONTRACT TO BE PAID;

10 (IV) THE DEVELOPER, CONTRACTOR, OR SUBCONTRACTOR HAS  
11 COMPLIED WITH THE APPLICABLE PROVISIONS OF THIS SECTION; AND

12 (V) THE DEVELOPER, CONTRACTOR, OR SUBCONTRACTOR DOES  
13 NOT RECEIVE KICKBACKS FROM AN EMPLOYEE OR EMPLOYEE WELFARE FUND.

14 (4) THE PAYROLL FOR A COVERED PROJECT SHALL BE CONSIDERED  
15 A PUBLIC RECORD AND EVERY PERSON HAS THE RIGHT TO INSPECT AND COPY THE  
16 RECORDS.

17 (G) THE MARYLAND DEPARTMENT OF LABOR SHALL DISTRIBUTE A LIST TO  
18 ALL UNITS, DEPARTMENTS, AND POLITICAL SUBDIVISIONS OF THE STATE  
19 PROVIDING THE NAMES OF INDIVIDUALS OR FIRMS THAT THE MARYLAND  
20 DEPARTMENT OF LABOR HAS FOUND TO HAVE:

21 (1) FAILED TO MEET THE REQUIREMENTS OF SUBSECTIONS (C), (D),  
22 (E), AND (F) OF THIS SECTION;

23 (2) BEEN DEBARRED BY FEDERAL OR STATE GOVERNMENT; OR

24 (3) SUBMITTED FALSE, MISLEADING, OR MATERIALLY INACCURATE  
25 INFORMATION UNDER THIS SECTION.

26 (H) THE SECRETARY OF LABOR SHALL ADOPT REGULATIONS  
27 IMPLEMENTING SUBSECTIONS (C), (D), (E), AND (F) OF THIS SECTION.

28 Article – Public Utilities

29 7-207.

30 (a) (1) In this section the following words have the meanings indicated.

1           (3)   (i)   “Construction” means:

2                           1.   any physical change at a site, including fabrication,  
3 erection, installation, or demolition; or

4                           2.   the entry into a binding agreement or contractual  
5 obligation to purchase equipment exclusively for use in construction in the State or to  
6 undertake a program of actual construction in the State which cannot be canceled or  
7 modified without substantial loss to the owner or operator of the proposed generating  
8 station.

9                           (ii)   “Construction” does not include a change that is needed for the  
10 temporary use of a site or route for nonutility purposes or for use in securing geological  
11 data, including any boring that is necessary to ascertain foundation conditions.

12                       (5)   “Qualified generator lead line” means an overhead transmission line  
13 that is designed to carry a voltage in excess of 69,000 volts and would allow an out-of-state  
14 Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in  
15 Maryland that is owned by an electric company.

16           (b)   (1)   (i)   Unless a certificate of public convenience and necessity for the  
17 construction is first obtained from the Commission, a person may not begin construction in  
18 the State of:

19                           1.   a generating station; or

20                           2.   a qualified generator lead line.

21                           (ii)   If a person obtains Commission approval for construction under  
22 § 7-207.1 of this subtitle, the Commission shall exempt a person from the requirement to  
23 obtain a certificate of public convenience and necessity under this section.

24           **(H)   (1)   ON APPROVAL OF A CERTIFICATE OF PUBLIC CONVENIENCE AND**  
25 **NECESSITY FOR THE CONSTRUCTION OF A PROPOSED GENERATING STATION THAT**  
26 **IS A COVERED PROJECT, AS DEFINED IN § 3-718 OF THE LABOR AND EMPLOYMENT**  
27 **ARTICLE, THE DEVELOPER OF THE PROPOSED GENERATING STATION SHALL MEET**  
28 **THE REQUIREMENTS OF § 3-718 OF THE LABOR AND EMPLOYMENT ARTICLE.**

29           **(2)   THE MARYLAND DEPARTMENT OF LABOR SHALL ENFORCE THIS**  
30 **SUBSECTION.**

31 7-207.1.

32           (a)   This section applies to a person who:

1           (1)   constructs a generating station:

2                   (i)   designed to provide on-site generated electricity if:

3                           1.   the capacity of the generating station does not exceed 70  
4 megawatts; and

5                           2.   the electricity that may be exported for sale from the  
6 generating station to the electric system is sold only on the wholesale market pursuant to  
7 an interconnection, operation, and maintenance agreement with the local electric company;  
8 or

9                   (ii)   that produces electricity from wind if:

10                           1.   the generating station is land-based;

11                           2.   the capacity of the generating station does not exceed 70  
12 megawatts;

13                           3.   the electricity that may be exported for sale from the  
14 generating station to the electric system is sold only on the wholesale market pursuant to  
15 an interconnection, operation, and maintenance agreement with the local electric company;

16                           4.   the Commission provides an opportunity for public  
17 comment at a public hearing as provided in subsection (f) of this section; and

18                           5.   the generating station's wind turbines are not located  
19 within a distance from the Patuxent River Naval Air Station that is determined by  
20 regulations adopted by the Commission in coordination with the Commander, Naval Air  
21 Warfare Center Aircraft Division, provided that the distance requirement under the  
22 regulation is:

23                                   A.   not greater than is necessary to encompass an area in  
24 which utility scale wind turbines could create Doppler radar interference for missions at  
25 the Patuxent River Naval Air Station;

26                                   B.   not greater than 46 miles, measured from location  
27 38.29667N, 76.37668W; and

28                                   C.   subject to modification if necessary to reflect changes in  
29 missions or technology at the Patuxent River Naval Air Station or changes in wind energy  
30 technology; or

31           (2)   constructs a generating station if:

32                   (i)   the capacity of the generating station does not exceed 25  
33 megawatts;

1                   (ii) the electricity that may be exported for sale from the generating  
 2 station to the electric system is sold only on the wholesale market pursuant to an  
 3 interconnection, operation, and maintenance agreement with the local electric company;  
 4 and

5                   (iii) at least 10% of the electricity generated at the generating station  
 6 each year is consumed on-site.

7           (b) (1) The Commission shall require a person that is exempted from the  
 8 requirement to obtain a certificate of public convenience and necessity to obtain approval  
 9 from the Commission under this section before the person may construct a generating  
 10 station described in subsection (a) of this section.

11           **(G) (1) ON APPROVAL OF AN EXEMPTION FROM THE REQUIREMENT TO**  
 12 **OBTAIN A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE**  
 13 **CONSTRUCTION OF A PROPOSED GENERATING STATION THAT IS A COVERED**  
 14 **PROJECT, AS DEFINED IN § 3-718 OF THE LABOR AND EMPLOYMENT ARTICLE, THE**  
 15 **DEVELOPER OF THE PROPOSED GENERATING STATION SHALL MEET THE**  
 16 **REQUIREMENTS OF § 3-718 OF THE LABOR AND EMPLOYMENT ARTICLE.**

17           **(2) THE MARYLAND DEPARTMENT OF LABOR SHALL ENFORCE THIS**  
 18 **SUBSECTION.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 20 October 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.