

HOUSE BILL 1407

M5, C5, L6

4lr2416

By: **Delegate Wilson**

Introduced and read first time: February 9, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **County Tier 1 Renewable Sources – Generating Systems, Capacity, and**
3 **Generation – Prohibition, Studies, and Plans**

4 FOR the purpose of prohibiting counties from establishing zoning laws or other regulations
5 that restrict or prohibit the construction or operation of Tier 1 renewable source
6 generating systems or facilities; requiring the Public Service Commission to study
7 the electricity demand in each county and determine the amount of capacity of, and
8 energy generation from, Tier 1 renewable sources needed in each county for the State
9 to meet certain renewable energy portfolio standard requirements; requiring each
10 county to study how much Tier 1 renewable source generating capacity the county
11 could provide under certain circumstances; requiring the Commission to develop a
12 certain renewable energy compliance and oversight plan; requiring each county to
13 create a certain generation plan; and generally relating to renewable energy
14 generating systems, capacity, and generation.

15 BY repealing and reenacting, with amendments,
16 Article – Land Use
17 Section 1–401 and 10–103
18 Annotated Code of Maryland
19 (2012 Volume and 2023 Supplement)

20 BY adding to
21 Article – Land Use
22 Section 4–211.1
23 Annotated Code of Maryland
24 (2012 Volume and 2023 Supplement)

25 BY adding to
26 Article – Public Utilities
27 Section 7–703.1
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2020 Replacement Volume and 2023 Supplement)

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

Article – Land Use

1–401.

(a) Except as provided in this section, this division does not apply to charter counties.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – “Plan”, “Priority funding area”, and “Sensitive area”);

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) Title 1, Subtitle 5 (Growth Tiers);

(9) § 4–104(b) (Limitations – Bicycle parking);

(10) § 4–208 (Exceptions – Maryland Accessibility Code);

(11) § 4–210 (Permits and variances – Solar panels);

(12) § 4–211 (Change in zoning classification – Energy generating systems);

(13) **§ 4–211.1 (TIER 1 RENEWABLE SOURCES);**

(14) § 4–212 (Agritourism);

[(14)] (15) § 4–213 (Alcohol production);

[(15)] (16) § 4–214 (Agricultural alcohol production);

1 [(16)] (17) § 4–215 (Pollinator–friendly vegetation management);

2 [(17)] (18) § 5–102(d) (Subdivision regulations – Burial sites);

3 [(18)] (19) § 5–104 (Major subdivision – Review);

4 [(19)] (20) Title 7, Subtitle 1 (Development Mechanisms);

5 [(20)] (21) Title 7, Subtitle 2 (Transfer of Development Rights);

6 [(21)] (22) except in Montgomery County or Prince George’s County, Title
7 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

8 [(22)] (23) Title 7, Subtitle 4 (Inclusionary Zoning);

9 [(23)] (24) § 8–401 (Conversion of overhead facilities);

10 [(24)] (25) for Baltimore County only, Title 9, Subtitle 3 (Single–County
11 Provisions – Baltimore County);

12 [(25)] (26) for Frederick County only, Title 9, Subtitle 10 (Single–County
13 Provisions – Frederick County);

14 [(26)] (27) for Howard County only, Title 9, Subtitle 13 (Single–County
15 Provisions – Howard County);

16 [(27)] (28) for Talbot County only, Title 9, Subtitle 18 (Single–County
17 Provisions – Talbot County); and

18 [(28)] (29) Title 11, Subtitle 2 (Civil Penalty).

19 (c) This section supersedes any inconsistent provision of Division II of this article.

20 **4–211.1.**

21 **(A) IN THIS SECTION, “TIER 1 RENEWABLE SOURCE” HAS THE MEANING**
22 **STATED IN § 7–701 OF THE PUBLIC UTILITIES ARTICLE.**

23 **(B) A COUNTY MAY NOT ADOPT ZONING LAWS OR OTHER REGULATIONS**
24 **THAT RESTRICT OR PROHIBIT THE CONSTRUCTION OR OPERATION OF ENERGY**
25 **GENERATING SYSTEMS OR FACILITIES THAT ARE TIER 1 RENEWABLE SOURCES.**

26 10–103.

- 1 (a) Except as provided in this section, this division does not apply to Baltimore
2 City.
- 3 (b) The following provisions of this division apply to Baltimore City:
- 4 (1) this title;
- 5 (2) § 1–101(m) (Definitions – “Priority funding area”);
- 6 (3) § 1–101(o) (Definitions – “Sensitive area”);
- 7 (4) § 1–201 (Visions);
- 8 (5) § 1–206 (Required education);
- 9 (6) § 1–207 (Annual report – In general);
- 10 (7) § 1–208 (Annual report – Measures and indicators);
- 11 (8) Title 1, Subtitle 3 (Consistency);
- 12 (9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties –
13 Comprehensive Plans; Implementation);
- 14 (10) § 4–104(b) (Limitations – Bicycle parking);
- 15 (11) § 4–205 (Administrative adjustments);
- 16 (12) § 4–207 (Exceptions – Maryland Accessibility Code);
- 17 (13) § 4–210 (Permits and variances – Solar panels);
- 18 (14) § 4–211 (Change in zoning classification – Energy generating systems);
- 19 (15) **§ 4–211.1 (TIER 1 RENEWABLE SOURCES);**
- 20 **(16) § 4–215 (Pollinator–friendly vegetation management);**
- 21 **[(16)] (17) § 5–102(d) (Subdivision regulations – Burial sites);**
- 22 **[(17)] (18) Title 7, Subtitle 1 (Development Mechanisms);**
- 23 **[(18)] (19) Title 7, Subtitle 2 (Transfer of Development Rights);**
- 24 **[(19)] (20) Title 7, Subtitle 3 (Development Rights and Responsibilities**
25 **Agreements);**

1 (I) CURRENT UTILITY-SCALE ELECTRIC GENERATION
2 EQUIPMENT AND DISTRIBUTED ELECTRIC GENERATION EQUIPMENT IN THE
3 COUNTY;

4 (II) CURRENT TIER 1 RENEWABLE SOURCES BEING USED IN THE
5 COUNTY; AND

6 (III) PLANS FOR THE COUNTY TO:

7 1. ATTRACT OUTSIDE INVESTMENT FOR LOCATING TIER
8 1 RENEWABLE SOURCES IN THE COUNTY; AND

9 2. ESTABLISH AND COORDINATE REASONABLE
10 INCENTIVES FOR COUNTY RESIDENTS AND BUSINESSES TO INSTALL OR USE TIER 1
11 RENEWABLE SOURCES.

12 (2) ON OR BEFORE OCTOBER 1, 2026, EACH COUNTY SHALL REPORT
13 ITS FINDINGS AND RECOMMENDATIONS TO THE COMMISSION AND, IN ACCORDANCE
14 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE EDUCATION,
15 ENERGY, AND THE ENVIRONMENT COMMITTEE, THE SENATE BUDGET AND
16 TAXATION COMMITTEE, THE HOUSE ECONOMIC MATTERS COMMITTEE, AND THE
17 HOUSE APPROPRIATIONS COMMITTEE.

18 (C) (1) ON RECEIPT OF THE REPORTS PROVIDED UNDER SUBSECTION
19 (B)(2) OF THIS SECTION, THE COMMISSION SHALL CREATE A RENEWABLE ENERGY
20 COMPLIANCE AND OVERSIGHT PLAN.

21 (2) THE RENEWABLE ENERGY COMPLIANCE AND OVERSIGHT PLAN
22 REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

23 (I) ENSURE THAT EACH COUNTY MEETS ITS TIER 1 RENEWABLE
24 SOURCE GENERATION REQUIREMENTS WITHIN 10 YEARS;

25 (II) ESTABLISH A REASONABLE TIMELINE FOR EACH COUNTY TO
26 ACHIEVE MILESTONES TO KEEP THE COUNTY ON TARGET TO ACHIEVE THE
27 REQUIREMENT UNDER ITEM (I) OF THIS PARAGRAPH; AND

28 (III) REQUIRE THAT EACH COUNTY:

29 1. REPORT TO THE COMMISSION ON THE STATUS OF
30 MEETING THE TIER 1 RENEWABLE SOURCE GENERATION REQUIREMENTS; AND

1 **2. UPDATE THE 10-YEAR TIER 1 RENEWABLE SOURCE**
2 **GENERATION PLAN CREATED UNDER SUBSECTION (D) OF THIS SECTION AFTER 5**
3 **YEARS.**

4 **(3) (I) ON OR BEFORE OCTOBER 1, 2027, THE COMMISSION SHALL**
5 **SUBMIT ITS RENEWABLE ENERGY COMPLIANCE AND OVERSIGHT PLAN, IN**
6 **ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, TO THE**
7 **SENATE EDUCATION, ENERGY, AND THE ENVIRONMENT COMMITTEE, THE SENATE**
8 **BUDGET AND TAXATION COMMITTEE, THE HOUSE ECONOMIC MATTERS**
9 **COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE.**

10 **(II) THE COMMISSION SHALL POST A COPY OF THE RENEWABLE**
11 **ENERGY COMPLIANCE AND OVERSIGHT PLAN ON THE COMMISSION'S WEBSITE.**

12 **(D) (1) EACH COUNTY SHALL CREATE A 10-YEAR TIER 1 RENEWABLE**
13 **SOURCE GENERATION PLAN IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED**
14 **IN THE COMMISSION'S RENEWABLE ENERGY COMPLIANCE AND OVERSIGHT PLAN**
15 **CREATED UNDER SUBSECTION (C) OF THIS SECTION.**

16 **(2) (I) COUNTIES MAY COOPERATE ON A REGIONAL BASIS TO**
17 **ACHIEVE THE GOALS AND OBJECTIVES OF THE COMMISSION'S RENEWABLE ENERGY**
18 **COMPLIANCE AND OVERSIGHT PLAN BY SITING TIER 1 RENEWABLE SOURCES THAT**
19 **WILL SERVE THE REGION.**

20 **(II) A COUNTY THAT COOPERATES ON A REGIONAL BASIS**
21 **UNDER THIS PARAGRAPH IS STILL RESPONSIBLE FOR ENSURING THE TIER 1**
22 **RENEWABLE SOURCE GENERATION REQUIREMENTS OF THAT COUNTY ARE MET.**

23 **(E) IN CONDUCTING THE STUDIES AND PREPARING THE REPORTS UNDER**
24 **THIS SECTION, COUNTIES MAY OBTAIN ASSISTANCE FROM THE STAFF OF THE**
25 **COMMISSION, THE ADMINISTRATION, AND OTHER STATE UNITS WITH EXPERTISE IN**
26 **RENEWABLE ENERGY GENERATION, DEPLOYMENT, AND FINANCING.**

27 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
28 **October 1, 2024.**