



## House Bill 1328

### *Solar Energy and Energy Storage - Development and State Procurement*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Economic Matters and  
Appropriations Committees

Date: February 29, 2024

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The Maryland Association of Counties (MACo) **SUPPORTS HB 1328 WITH AMENDMENTS**. This bill attempts to continue conversations that stakeholders were conducting to try and find a consensus legislative package aimed at meeting the state's ambitious solar energy goals.

For several months in the lead up to the 2024 General Assembly legislative session, MACo, the Maryland Municipal League (MML), the Maryland League of Conservation Voters (LCV), several agencies within the Administration, conservation organizations, representatives of solar industry, and other stakeholders were engaged in intense negotiations regarding legislation that would provide certainty, guardrails, and incentives for all stakeholders in meeting the state's solar energy goals. These negotiations came close to reaching a consensus package, until unexpectedly, representatives of solar industry walked away from the table to pursue alternatives to fully remove any community input from siting projects (HB1046/SB1025). In the hopes of building off months of work, the bill sponsors and several stakeholders agreed that a more formal process led by a mutually respected and neutral party merits full consideration. Counties share in this conclusion and welcome a balanced and deliberative process led by the Power Plant Research Program within the Department of Natural Resources.

While counties agree in the approach and are keen to remain productive and active stakeholders around renewable energy more generally, there are several parts of the current legislation which cause considerable concern. Specifically,

- **12-905** – In negotiations, stakeholders found agreement around establishing broad authority for counties to establish fees on all development that removes land from agricultural production, and the ability for counties to use that revenue to provide incentives for solar development and the conservation or restoration of agricultural, environmental, or historically sensitive areas. As drafted, 12-905 is targeted exclusively

at solar, which is inconsistent with previous negotiations. Counties request that this provision be broadened to give local leaders adequate tools to meet the state's competing conservation & renewable energy goals:

- On page 2 in line 33 and again on page 3, line 2:  
STRIKE both instances of: "SOLAR GENERATING STATION" and  
INSERT: "PROJECT"
- **3-306.2** – Counties agree with the intent of this provision as well as requirements to reevaluate recommendations every 10 years. As drafted though, it would be impossible to effectively implement this provision and, in a worst-case scenario, likely lead to poorly considered policy prescriptions with drastic unintended consequences. Counties request the following amendments:
  - Require all recommendations to be due December 1, 2025, with an interim report due December 1, 2024.
  - On page 6, STRIKE lines 1-6 and INSERT:  
"STATE AND LOCAL REGULATIONS, LEGISLATIVE ACTIONS, OR OTHER NECESSARY ITEMS RELATED TO SITING OF SOLAR PROJECTS 2MW OR GREATER;"
- **9-2016 (D)** – Counties share in the concerns of agricultural and conservation partners in urging the General Assembly to exercise caution in examining agriculturally preserved lands for the use of solar development.

Counties are committed to being productive and active stakeholders around renewable energy generally and remain ready to work with the Committee to find solutions to meeting the state's competing renewable energy and conservation goals. For this reason, MACo urges the Committee to give HB 1328 a **FAVORABLE WITH AMENDMENTS** report.