

2023 Legislative Package

Public Requests for
Legislation and Position Statements

As of October 16, 2023

The Frederick County Executive's Office held a town hall on October 5th to collect public input on legislative recommendations for the 2024 Maryland Legislative Session. The following recommendations were sent to the County Executive after the deadline and were not included in the packet of recommendations available at the town hall.

Organization: Mobilize Frederick

Submitted by: Karen Cannon, Executive Director



October 12, 2023

To: Victoria Venable, Legislative Director

Subject: Mobilize Frederick Recommendations for MD State Legislative 2024 Session

As requested, Mobilize Frederick is pleased to put forth our recommendations for consideration for inclusion by the Frederick County delegation to the MD General Assembly for the upcoming 2024 session. These include the following:

- 1) EmPower reform
- 2) Renewal Portfolio Standards (RFS) updates and strengthening
- 3) Electrical power sourcing, and harmonization within different State agencies
- 4) Autonomy in local decision making on land use vis-à-vis the Public Service Commission
- 5) STRIDE Act changes

Each of these recommendations is more fully detailed in the attachment hereto.

Lastly, I want to express my sincere gratitude and thanks for reaching out and including Mobilize Frederick's recommendations for consideration in your final submission to the county delegation. It is an honor and privilege for our young organization.

We stand ready to discuss any of these at your convenience.

Respectfully,

Karen Cannon

Karen Cannon
Executive Director
Mobilize Frederick

cc: Barb Trader, Board President, Mobilize Frederick
Harry George, Interim Chair, Mobilize Frederick Government Affairs and Strategic Planning
Joel Rensberger, Board Vice President, Mobilize Frederick
Bob Robey, Board Member, Mobilize Frederick
Faith Klareich, Board Member, Mobilize Frederick

Mobilize Frederick's MD State Legislative Recommendations For 2024

EmPOWER Reform

Bring forward legislation similar to HB904/SB689, submitted in the 2023 session, requiring the EmPOWER Maryland Program to provide consumer rebates or incentives for technologies to reduce greenhouse gas emissions, encourage switching from fossil fuel energy sources to electricity etc. In summary, update the EmPOWER Maryland Program to support the climate goals established under the Climate Solutions Now Act and support the switch from fossil fuel use in buildings to electricity and to encourage use of renewable energy.

Renewable Portfolio Standards

The state's current renewable portfolio standards include trash incineration, woody biomass, and factory farm methane gas. All of these energy sources increase air pollution, release greenhouse gasses, and disproportionately impact low income and disadvantaged communities. These should be removed from the state's portfolio of renewable energy sources so that subsidies for renewable energy can be focused on truly renewable sources such as wind and solar.

HB718, the Reclaim Renewable Energy Act was introduced in the 2023 legislative session but did not pass. We recommend that this or similar legislation be reintroduced in the 2024 session and that Frederick County support passage.

Electrical Power Sourcing/Environmental Goal Harmonization

Issue: There appears to be a contradiction in State level government policy, specifically the commitment to meeting renewable energy goals, versus economic development goals, by incentivizing the establishment of a large-scale data center industry in Maryland (primarily Frederick County, at present). This is due to the nature of this industry and their associated exceptional electrical energy needs, potentially making achieving the renewable energy goals less likely, or at a minimum much more difficult, unless either environmental goals are lessened, waivers are extended, the industry sources a substantial portion of their energy needs from renewable sources (on-site, in MD, or elsewhere), a combination thereof, or something else.

We believe that many positive benefits can accrue to Maryland from this industry, and we look forward to the industry's contribution to Frederick County, however, we feel this apparent



contradiction needs to be acknowledged and reconciled. It is Mobilize Frederick's hope and position that the industry be required or incentivized to source a substantial percentage of their energy from renewable sources so that Maryland/Frederick County may meet state mandated environmental energy sourcing goals, and not exacerbate an already challenging objective.

Solar Siting: Autonomy in Local Decision Making

Frederick County is the largest agricultural county in Maryland, and we pride ourselves on and cherish our agricultural heritage. Maryland promotes and encourages agricultural land preservation through a variety of important and beneficial state programs, many in concert with Frederick County, both financial and otherwise. Collectively we have preserved over 72,000+ acres, out of a total of approximately 200,000 acres county-wide in agricultural use, with an original goal of achieving 100,000 total acres preserved. (Note: The goal of 100,000 preserved acres was increased to 160,000 acres in the the recommendations put forward by the County Executive's Transition Team) Frederick County enacted a Solar Siting Ordinance in 2017, with the primary goal being to protect our (best) agricultural lands, and this important county industry and heritage, by restricting solar development to non-prime agricultural soils, and limiting the amount of acreage per farm that could be used for *commercial* solar generation. This was legally contested by an applicant/solar supplier and, for all intents and purposes, the issue of solar siting on agricultural land was taken away from County authority by the Maryland PSC. Aside from the aesthetic impacts of large scale *commercial* based solar installations on Maryland's/Frederick's landscape, we believe there should be a reconciliation and accommodation of these seemingly competing initiatives of large scale *commercial* solar installations being able to override local County zoning ordinance aimed at protecting and preserving valuable agricultural acreage.

STRIDE Act

The Strategic Infrastructure Development and Enhancement (STRIDE) law was passed in 2013 to encourage gas utilities to replace aging infrastructure by allowing for accelerated recovery of infrastructure investment costs (see Office of the People's Council <https://opc.maryland.gov/Consumer-Learning/Natural-Gas/STRIDE>). This allows utilities to include a surcharge on ratepayer bills to cover estimated costs of infrastructure projects. The effect of this law has been to encourage utilities to continue to expand fossil fuel infrastructure while charging ratepayers for that work. It does not require any infrastructure improvements to reduce greenhouse gas emissions. As currently structured, the STRIDE act encourages the expansion and improvements to natural gas infrastructure, which is counter to the state's climate goals to reduce greenhouse gas emissions. It also increases the utility cost burden on ratepayers who cannot afford to switch from natural gas-fueled appliances to electric who will continue to be required to pay the surcharge for infrastructure expansion and maintenance. In



EQUITABLE SUSTAINABLE SOLUTIONS

order to align the maintenance of natural gas infrastructure with the climate goals defined in the Climate Solutions Now Act, the STRIDE Act should be overturned or amended to address greenhouse gas emissions reductions and to remove the ratepayer burden of paying for expansion of what will likely become a stranded asset as the state shifts to electrification.

Organization: Frederick County Ethics Commission

Submitted by: Staff liaison Andrew Ford

Good Afternoon,

The Ethics Commission appreciates the opportunity to provide ideas and suggestions for the Frederick County legislative packet for the 2024 General Assembly Session.

The Ethics Commission is currently considering recommending several changes to Frederick County's own Ethics Ordinance. In addition, however, the Commission believes that the General Assembly should consider amending the State Ethics law, and, by extension, the ethics provisions of local governments' ethics laws, regarding those required to register as lobbyists.

Currently, §5-702 of the General Provisions Article states, in pertinent part:

§ 5-702. Lobbying — Generally.

(a) Unless exempted under subsection (b) of this section, an entity shall register with the Ethics Commission as provided in this subtitle and shall be a regulated lobbyist for the purposes of this title if, during a reporting period, the entity:

(1) for the purpose of influencing any legislative action or any executive action relating to the development or adoption of regulations or the development or issuance of an executive order:

(i) **1. communicates with an official or employee of the Legislative Branch or Executive Branch in the presence of that official or employee;** and

2. except for the personal travel or subsistence expenses of the entity or a representative of the entity, incurs expenses of at least \$500 or earns at least \$2,500 as compensation for all such communication and activities relating to the communication during the reporting period; or . . .

(Emphasis added.)

The Ethics Commission believes that in the new era of virtual and hybrid meetings of government officials the “*in the presence of*” requirement creates an unintended result whereby a would-be lobbyist who attends a public meeting

virtually is not treated the same as a person who attends the same public meeting in person. The Commission believes that intent of the communication should control in such instances and not whether the person has attended the meeting in person.

Thank you for your consideration.