

HOUSE BILL 742

C5

5lr2829
CF 5lr3076

By: **Delegates Ghrist, Arentz, Arikan, Chisholm, Fisher, Grammer, Hutchinson, Jacobs, M. Morgan, T. Morgan, Nawrocki, Otto, Pippy, Rose, Schmidt, Szeliga, and Valentine**

Introduced and read first time: January 27, 2025

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Solar Energy Generating Stations – Eminent Domain**

3 FOR the purpose of prohibiting a person constructing a solar energy generating station
4 from exercising a right of condemnation in connection with that construction; and
5 generally relating to the construction of solar energy generating stations.

6 BY repealing and reenacting, with amendments,

7 Article – Public Utilities

8 Section 7–207(b)(2)

9 Annotated Code of Maryland

10 (2020 Replacement Volume and 2024 Supplement)

11 BY repealing and reenacting, without amendments,

12 Article – Public Utilities

13 Section 7–207.1(c)(1), 7–207.2(b), and 7–208(b)

14 Annotated Code of Maryland

15 (2020 Replacement Volume and 2024 Supplement)

16 BY adding to

17 Article – Public Utilities

18 Section 7–207.1(h), 7–207.2(e), and 7–208(k)

19 Annotated Code of Maryland

20 (2020 Replacement Volume and 2024 Supplement)

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

23 **Article – Public Utilities**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 7-207.

2 (b) (2) (I) Unless a certificate of public convenience and necessity for the
3 construction is first obtained from the Commission, and the Commission has found that the
4 capacity is necessary to ensure a sufficient supply of electricity to customers in the State, a
5 person may not exercise a right of condemnation in connection with the construction of a
6 generating station.

7 (II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS
8 PARAGRAPH, A PERSON MAY NOT EXERCISE A RIGHT OF CONDEMNATION IN
9 CONNECTION WITH THE CONSTRUCTION OF A SOLAR ENERGY GENERATING STATION
10 UNDER THIS SECTION.

11 7-207.1.

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

16 (H) A PERSON MAY NOT EXERCISE A RIGHT OF CONDEMNATION IN
17 CONNECTION WITH THE CONSTRUCTION OF A SOLAR ENERGY GENERATING STATION
18 UNDER THIS SECTION.

19 7-207.2.

20 (b) This section applies to a person who constructs a generating station that:

21 (1) has the capacity to produce more than 2 megawatts of electricity, as
22 measured by the alternating current rating of the system's inverter, from a solar
23 photovoltaic system; and

24 (2) is exempted under § 7-207(b)(1)(ii) of this subtitle from the requirement
25 to obtain a certificate of public convenience and necessity.

26 (E) A PERSON MAY NOT EXERCISE A RIGHT OF CONDEMNATION IN
27 CONNECTION WITH THE CONSTRUCTION OF A SOLAR PHOTOVOLTAIC SYSTEM
28 UNDER THIS SECTION.

29 7-208.

30 (b) This section applies to any person:

31 (1) constructing a generating station and its associated overhead
32 transmission lines designed to carry a voltage in excess of 69,000 volts;

1 (2) exercising the right of condemnation in connection with the
2 construction; or

3 (3) constructing a qualified submerged renewable energy line.

4 **(K) A PERSON MAY NOT EXERCISE A RIGHT OF CONDEMNATION IN**
5 **CONNECTION WITH THE CONSTRUCTION OF A SOLAR ENERGY GENERATING STATION**
6 **UNDER THIS SECTION.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2025.