

SENATE BILL 997

C5, M5

9lr1650
CF HB 1227

By: **Senator Hershey**

Introduced and read first time: February 21, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utilities – Wind and Solar Generating Stations – Local Zoning and Land**
3 **Use**

4 FOR the purpose of prohibiting the Public Service Commission from taking final action on
5 an application for a certificate of public convenience and necessity for a certain wind
6 or solar generating station until a county or municipality in which any part of the
7 generating station is proposed to be located has completed a certain review and
8 provided a certain written statement to the Commission; repealing the requirement
9 that the Commission give due consideration to certain recommendations before
10 taking final action on a certificate of public convenience and necessity for a certain
11 wind or solar generating station; and generally relating to local zoning and land use
12 for wind and solar generating stations.

13 BY repealing and reenacting, with amendments,
14 Article – Public Utilities
15 Section 7–207(e)
16 Annotated Code of Maryland
17 (2010 Replacement Volume and 2018 Supplement)

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

20 **Article – Public Utilities**

21 7–207.

22 (e) The Commission shall take final action on an application for a certificate of
23 public convenience and necessity only after [due consideration of]:

24 **(1) FOR THE CONSTRUCTION OF A GENERATING STATION THAT**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **PRODUCES ELECTRICITY FROM A SOLAR PHOTOVOLTAIC SYSTEM OR WIND, THE**
 2 **COUNTY OR MUNICIPAL CORPORATION IN WHICH ANY PART OF THE GENERATING**
 3 **STATION IS PROPOSED TO BE LOCATED HAS COMPLETED A REVIEW OF THE**
 4 **PROPOSED LAND USE AND PROVIDED TO THE COMMISSION A WRITTEN STATEMENT**
 5 **THAT THE PROPOSED GENERATING STATION CONFORMS WITH ALL APPLICABLE**
 6 **COUNTY OR MUNICIPAL ZONING AND LAND USE REQUIREMENTS;**

7 **[(1)] (2) DUE CONSIDERATION OF** the recommendation of the governing
 8 body of each county or municipal corporation in which any portion of the construction of
 9 the generating station **THAT DOES NOT PRODUCE ELECTRICITY FROM A SOLAR**
 10 **PHOTOVOLTAIC SYSTEM OR WIND**, overhead transmission line, or qualified generator
 11 lead line is proposed to be located;

12 **[(2)] (3) DUE CONSIDERATION OF** the effect of the generating station,
 13 overhead transmission line, or qualified generator lead line on:

- 14 (i) the stability and reliability of the electric system;
- 15 (ii) economics;
- 16 (iii) esthetics;
- 17 (iv) historic sites;
- 18 (v) aviation safety as determined by the Maryland Aviation
 19 Administration and the administrator of the Federal Aviation Administration;
- 20 (vi) when applicable, air quality and water pollution; and
- 21 (vii) the availability of means for the required timely disposal of
 22 wastes produced by any generating station **THAT DOES NOT PRODUCE ELECTRICITY**
 23 **FROM A SOLAR PHOTOVOLTAIC SYSTEM OR WIND**; and

24 **[(3)] (4) for a generating station THAT DOES NOT PRODUCE**
 25 **ELECTRICITY FROM A SOLAR PHOTOVOLTAIC SYSTEM OR WIND, DUE**
 26 **CONSIDERATION OF:**

- 27 (i) the consistency of the application with the comprehensive plan
 28 and zoning of each county or municipal corporation where any portion of the generating
 29 station is proposed to be located; and
- 30 (ii) the efforts to resolve any issues presented by a county or
 31 municipal corporation where any portion of the generating station is proposed to be located.

32 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
 33 October 1, 2019.