

SENATE BILL 359

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2003 Regular Session
3r1964
CF HB 90

By: **Frederick County Senators**

Introduced and read first time: January 31, 2003

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Public Utility Companies - Electric Generating Stations - Zoning**

3 FOR the purpose of repealing a certain preemption of local zoning regulations
4 regarding the construction and operation of electric generating stations;
5 authorizing certain property to be operated for electric generating and
6 associated on-site transmission purposes only if the use complies with all
7 applicable local zoning laws, ordinances, and regulations and is submitted to
8 and approved by the appropriate county or municipal zoning board, authority, or
9 other unit; requiring that before a person constructs a generating station, the
10 proposed construction complies with all applicable zoning and subdivision laws,
11 ordinances, and regulations of the county or municipal corporation where the
12 construction is proposed; and generally relating to zoning for electric generating
13 stations.

14 BY repealing
15 Article - Natural Resources
16 Section 3-306.1
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2002 Supplement)

19 BY adding to
20 Article - Natural Resources
21 Section 3-306.1
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2002 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article - Public Utility Companies
26 Section 7-207(b)(1)
27 Annotated Code of Maryland
28 (1998 Volume and 2002 Supplement)

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

3 **Article - Natural Resources**

4 [3-306.1.

5 In view of the safeguards provided by this subtitle through State units, and to
6 assure the controlling effect of their determinations, any property certified as a
7 suitable site by the Secretary of Natural Resources and placed in inventory as
8 provided in this subtitle or any sites acquired and placed in inventory as provided in
9 this subtitle shall be used and operated for electric generating and associated on-site
10 transmission purposes without regard to any local zoning rule, regulation, law, or
11 ordinance, and this use is not required to be submitted to or approved by any county
12 or municipal zoning board, authority, or unit.]

13 3-306.1.

14 A PROPERTY THAT IS CERTIFIED AS A SUITABLE SITE BY THE SECRETARY AND
15 PLACED IN INVENTORY OR A SITE THAT IS ACQUIRED AND PLACED IN INVENTORY
16 UNDER THIS SUBTITLE MAY BE OPERATED FOR ELECTRIC GENERATING AND
17 ASSOCIATED ON-SITE TRANSMISSION PURPOSES ONLY IF THE USE:

18 (1) COMPLIES WITH ALL APPLICABLE LOCAL ZONING LAWS,
19 ORDINANCES, AND REGULATIONS; AND

20 (2) IS SUBMITTED TO AND APPROVED BY THE APPROPRIATE COUNTY OR
21 MUNICIPAL ZONING BOARD, AUTHORITY, OR OTHER UNIT.

22 **Article - Public Utility Companies**

23 7-207.

24 (b) (1) (i) [Unless a certificate of public convenience and necessity for the
25 construction is first obtained from the Commission, a person may not begin
26 construction in the State of a generating station.] A PERSON MAY NOT CONSTRUCT A
27 GENERATING STATION IN THE STATE UNLESS:

28 1. THE PERSON FIRST OBTAINS A CERTIFICATE OF PUBLIC
29 CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION FROM THE COMMISSION;
30 AND

31 2. THE CONSTRUCTION COMPLIES WITH ALL APPLICABLE
32 ZONING AND SUBDIVISION LAWS, ORDINANCES, AND REGULATIONS OF THE COUNTY
33 OR MUNICIPAL CORPORATION WHERE THE CONSTRUCTION IS PROPOSED.

34 (ii) If a person obtains Commission approval for construction under
35 § 7-207.1 of this subtitle, the Commission shall exempt a person from the
36 requirement to obtain a certificate of public convenience and necessity under this
37 section.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2003.