

# SENATE BILL 640

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5lr3076  
CF HB 742

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By: **Senator Gallion**

Introduced and read first time: January 25, 2025

Assigned to: Education, Energy, and the Environment

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## 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**

24 7–207.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

10 7-207.1.

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

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

18 7-207.2.

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

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

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

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

28 7-208.

29 (b) This section applies to any person:

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

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

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

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

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