SENATE BILL 737

C5, N1 5lr3522 CF 5lr1860

By: Senator Folden

Introduced and read first time: January 27, 2025 Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

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Property Rights Protection Act of 2025

FOR the purpose of prohibiting certain persons from exercising a right of condemnation to acquire property for the purpose of constructing a power line or a certain generating station; prohibiting the State or any of its instrumentalities or political subdivisions from acquiring by condemnation property that is encumbered by certain conservation easements or will be used for the construction of a power line or a certain generating station; and generally relating to restrictions on a right of condemnation to acquire property.

- 10 BY repealing and reenacting, with amendments,
- 11 Article Public Utilities
- 12 Section 7–103, 7–207(b), and 7–208(b)
- 13 Annotated Code of Maryland
- 14 (2020 Replacement Volume and 2024 Supplement)
- 15 BY repealing and reenacting, without amendments,
- 16 Article Public Utilities
- 17 Section 7–207.1(b)
- 18 Annotated Code of Maryland
- 19 (2020 Replacement Volume and 2024 Supplement)
- 20 BY adding to
- 21 Article Public Utilities
- 22 Section 7–207.1(h)
- 23 Annotated Code of Maryland
- 24 (2020 Replacement Volume and 2024 Supplement)
- 25 BY repealing and reenacting, without amendments,
- 26 Article Real Property
- 27 Section 10–705(a)(1) and (2) and 12–101(a)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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$\frac{1}{2}$	Annotated Code of Maryland (2023 Replacement Volume and 2024 Supplement)
3 4 5 6 7	BY adding to Article – Real Property Section 12–101(e) Annotated Code of Maryland (2023 Replacement Volume and 2024 Supplement)
8 9	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND That the Laws of Maryland read as follows:
10	Article – Public Utilities
11	7–103.
12	(a) An electric company incorporated in Maryland may:
13 14	(1) manufacture, sell, and furnish electric power in any municipal corporation or county of the State;
15 16	(2) construct a power line to transmit power under, along, on, or over the roadways or public ways of any municipal corporation or county of the State; and
17 18	(3) connect the power line from the place of supply to any other structure or object.
19 20 21	(b) (1) An electric company must have the consent of the governing body of the municipal corporation or county before laying or constructing any power line in accordance with subsection (a) of this section.
22 23 24 25	(2) The governing body of the municipal corporation or county may adopt reasonable regulations and conditions for the laying of a power line, including regulations requiring the electric company to refill and repave any roadway or public way under which the power line is laid.
26 27 28	(C) AN ELECTRIC COMPANY MAY NOT EXERCISE A RIGHT OF CONDEMNATION TO ACQUIRE PROPERTY FOR THE CONSTRUCTION OF A POWER LINE IN ACCORDANCE WITH THIS SECTION.
29	7–207.
30 31 32	(b) (1) (i) Unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction in the State of:

a generating station; or

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1	2. a qualified generator lead line.
2 3 4	(ii) If a person obtains Commission approval for construction under § 7–207.1 of this subtitle, the Commission shall exempt a person from the requirement to obtain a certificate of public convenience and necessity under this section.
5 6 7	(iii) Notwithstanding subparagraph (i) of this paragraph, a person may not apply to obtain a certificate of public convenience and necessity for construction of a qualified generator lead line unless:
8 9 10 11 12	1. at least 90 days before the filing of an application for a certificate of public convenience and necessity, the person had in good faith offered the electric company that owns that portion of the electric grid in Maryland to which the qualified generator lead line would interconnect a full and fair opportunity for the electric company to construct the qualified generator lead line; and
13 14	2. at any time at least 10 days before the filing of an application for a certificate of public convenience and necessity, the electric company:
15 16 17	A. did not accept from the person a proposal or a negotiated version of the proposal under which the electric company would construct the qualified generator lead line; or
18 19	B. stated in writing that the electric company did not intend to construct the qualified generator lead line.
20 21 22 23 24 25	(2) (I) [Unless] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNLESS a certificate of public convenience and necessity for the construction is first obtained from the Commission, and the Commission has found that the capacity is necessary to ensure a sufficient supply of electricity to customers in the State, a person may not exercise a right of condemnation in connection with the construction of a generating station.
26 27 28	(II) A PERSON MAY NOT EXERCISE A RIGHT OF CONDEMNATION TO ACQUIRE PROPERTY FOR THE PURPOSE OF CONSTRUCTING A GENERATING STATION THAT PRODUCES ELECTRICITY FROM WIND ENERGY OR SOLAR ENERGY.
29 30 31	(3) (i) Except as provided in paragraph (4) of this subsection, unless a certificate of public convenience and necessity for the construction is first obtained from the Commission, a person may not begin construction of an overhead transmission line that is

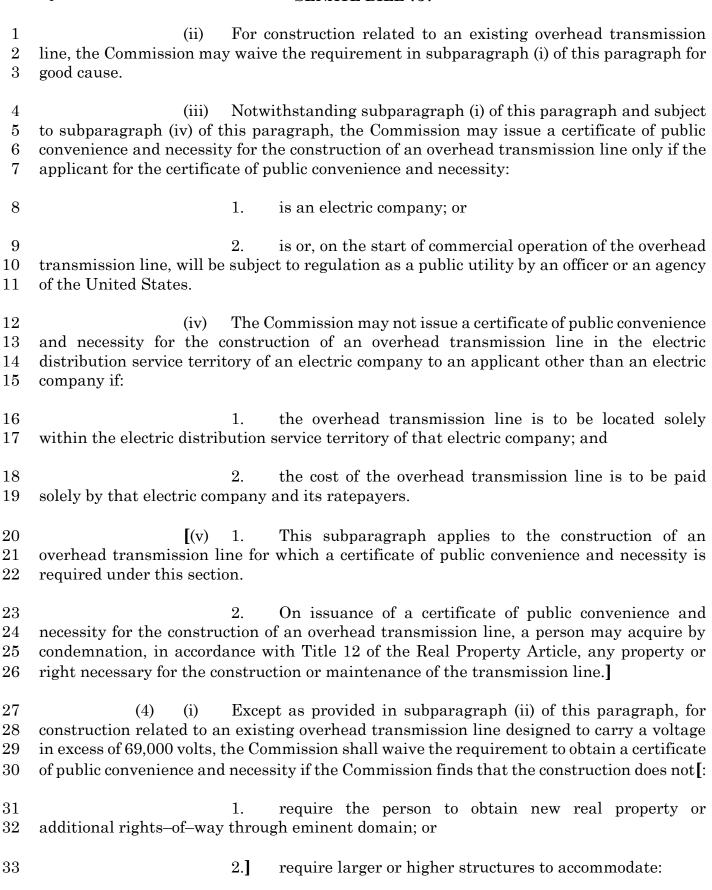
designed to carry a voltage in excess of 69,000 volts [or exercise a right of condemnation

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with the construction].

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increased voltage; or

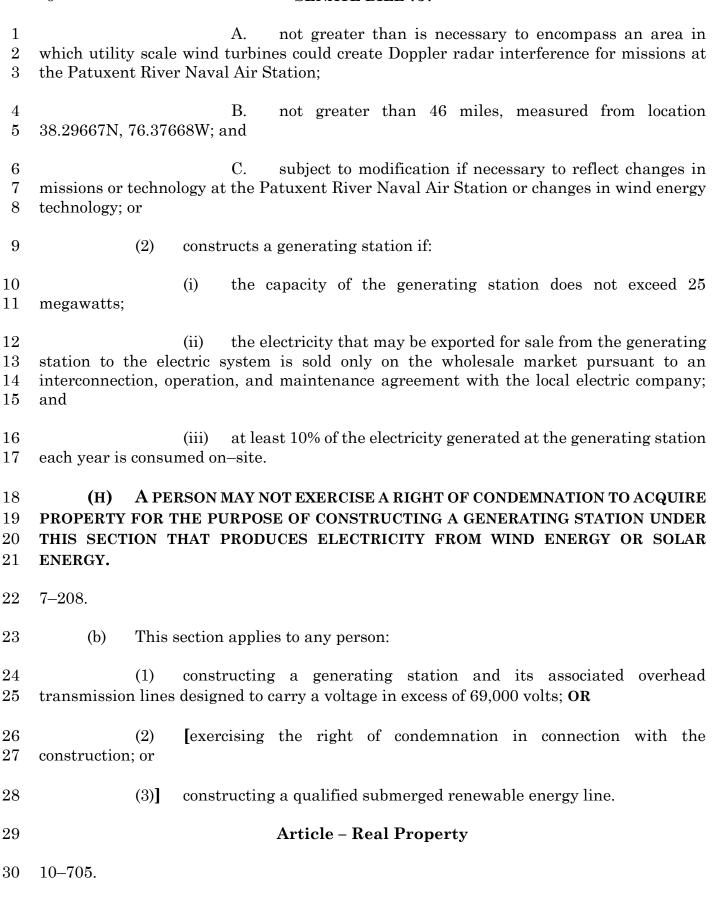
[A.] 1.

1	[B.] 2. larger conductors.
2 3 4	(ii) 1. For construction related to an existing overhead transmission line, including repairs, that is necessary to avoid an imminent safety hazard or reliability risk, a person may undertake the necessary construction.
5 6 7	2. Within 30 days after construction is completed under subsubparagraph 1 of this subparagraph, a person shall file a report with the Commission describing the work that was completed.
8	7–207.1.
9	(b) This section applies to a person who:
10	(1) constructs a generating station:
11	(i) designed to provide on-site generated electricity if:
12 13	1. the capacity of the generating station does not exceed 70 megawatts; and
14 15 16 17	2. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company; or
18	(ii) that produces electricity from wind if:
19	1. the generating station is land-based;
20 21	2. the capacity of the generating station does not exceed 70 megawatts;
22 23 24	3. the electricity that may be exported for sale from the generating station to the electric system is sold only on the wholesale market pursuant to an interconnection, operation, and maintenance agreement with the local electric company;
25 26	4. the Commission provides an opportunity for public comment at a public hearing as provided in subsection (g) of this section; and
27 28 29 30 31	5. the generating station's wind turbines are not located within a distance from the Patuxent River Naval Air Station that is determined by regulations adopted by the Commission in coordination with the Commander, Naval Air Warfare Center Aircraft Division, provided that the distance requirement under the regulation is:

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(a)

(1)



In this section the following words have the meanings indicated.

