

# SENATE BILL 489

C5

3lr2283  
CF HB 692

---

By: **Senator Brooks**

Introduced and read first time: February 3, 2023

Assigned to: Education, Energy, and the Environment

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2023

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Service Commission – Certificates of Public Convenience and Necessity –**  
3 **Local Permits**

4 FOR the purpose of ~~requiring~~ establishing that a county or a municipal corporation has the  
5 authority to ~~process~~ approve or deny any local permit required under a certificate of  
6 public convenience and necessity issued by the Public Service Commission for  
7 generating stations, transmission lines, and qualified generator lead lines; requiring  
8 a county or municipal corporation to approve or deny the local permits in a certain  
9 manner; prohibiting a county or municipal corporation from conditioning the  
10 approval of the local permits on certain approvals; and generally relating to  
11 certificates of public convenience and necessity.

12 BY repealing and reenacting, without amendments,  
13 Article – Public Utilities  
14 Section 7–207(b)(1)(i) and 7–208(c)(1)  
15 Annotated Code of Maryland  
16 (2020 Replacement Volume and 2022 Supplement)

17 BY adding to  
18 Article – Public Utilities  
19 Section 7–207(h) and 7–208(j)  
20 Annotated Code of Maryland  
21 (2020 Replacement Volume and 2022 Supplement)

---

### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

**Article – Public Utilities**

7–207.

(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:

1. a generating station; or
2. a qualified generator lead line.

**(H) (1) ~~NOTWITHSTANDING ANY LOCAL LAW, A COUNTY OR MUNICIPAL CORPORATION SHALL PROCESS WITHIN A REASONABLE TIME~~ A COUNTY OR MUNICIPAL CORPORATION HAS THE AUTHORITY TO APPROVE OR DENY ANY LOCAL PERMIT REQUIRED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER THIS SECTION.**

**(2) A COUNTY OR MUNICIPAL CORPORATION SHALL APPROVE OR DENY ANY LOCAL PERMITS REQUIRED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER THIS SECTION:**

**(I) WITHIN A REASONABLE TIME; AND**

**(II) TO THE EXTENT LOCAL LAWS ARE NOT PREEMPTED BY STATE LAW, IN ACCORDANCE WITH LOCAL LAWS.**

**(3) A COUNTY OR MUNICIPAL CORPORATION MAY NOT CONDITION THE APPROVAL OF A LOCAL PERMIT REQUIRED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER THIS SECTION ON RECEIPT OF ANY OF THE FOLLOWING APPROVALS FOR ANY ASPECT OF A GENERATING STATION, AN OVERHEAD TRANSMISSION LINE, OR A QUALIFIED LEAD LINE PROPOSED TO BE CONSTRUCTED UNDER THE CERTIFICATE:**

**(I) A CONDITIONAL USE APPROVAL;**

**(II) A SPECIAL EXCEPTION APPROVAL; OR**

**(III) A FLOATING ZONE APPROVAL.**

7–208.

1 (c) (1) To obtain the certificate of public convenience and necessity required  
2 under § 7-207 of this subtitle for construction under this section, a person shall file an  
3 application with the Commission at least 2 years before construction of the facility will  
4 commence.

5 (J) (1) ~~NOTWITHSTANDING ANY LOCAL LAW, A COUNTY OR MUNICIPAL~~  
6 ~~CORPORATION SHALL PROCESS WITHIN A REASONABLE TIME~~ A COUNTY OR  
7 MUNICIPAL CORPORATION HAS THE AUTHORITY TO APPROVE OR DENY ANY LOCAL  
8 PERMIT REQUIRED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND  
9 NECESSITY ISSUED UNDER THIS SECTION.

10 (2) A COUNTY OR MUNICIPAL CORPORATION SHALL APPROVE OR  
11 DENY ANY LOCAL PERMITS REQUIRED UNDER A CERTIFICATE OF PUBLIC  
12 CONVENIENCE AND NECESSITY ISSUED UNDER THIS SECTION:

13 (I) WITHIN A REASONABLE TIME; AND

14 (II) TO THE EXTENT LOCAL LAWS ARE NOT PREEMPTED BY  
15 STATE LAW, IN ACCORDANCE WITH LOCAL LAWS.

16 (3) A COUNTY OR MUNICIPAL CORPORATION MAY NOT CONDITION  
17 THE APPROVAL OF A LOCAL PERMIT REQUIRED UNDER A CERTIFICATE OF PUBLIC  
18 CONVENIENCE AND NECESSITY ISSUED UNDER THIS SECTION ON RECEIPT OF ANY  
19 OF THE FOLLOWING APPROVALS FOR ANY ASPECT OF A GENERATING STATION, AN  
20 OVERHEAD TRANSMISSION LINE, OR A QUALIFIED LEAD LINE PROPOSED TO BE  
21 CONSTRUCTED UNDER THE CERTIFICATE:

22 (I) A CONDITIONAL USE APPROVAL;

23 (II) A SPECIAL EXCEPTION APPROVAL; OR

24 (III) A FLOATING ZONE APPROVAL.

25 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
26 Assembly that nothing in this Act shall be interpreted to abrogate, modify, or limit the  
27 holding of the Supreme Court of Maryland in Board of County Commissioners of  
28 Washington County, Maryland v. Perennial Solar, LLC, 464 Md. 610 (2019).

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2023.