

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 241 (Prince George's County Delegation)
Ways and Means

Prince George's County – Telecommunications Transmission Facility on Public School Grounds – Public Hearing and Notification PG 513–18

This bill requires a telecommunications company proposing to install a telecommunications transmission facility on public school grounds owned by the Prince George's County Board of Education to hold a public hearing at the school located on the grounds where the installation is proposed. The chief executive officer of the school system may not execute a notice to proceed until the hearing is held. After the hearing is scheduled, the telecommunications company must (1) provide specified notice to nearby municipalities; (2) publish notice of the hearing in a newspaper of general circulation in the county once a week for at least four successive weeks; and (3) mail notice with information about the hearing to the parent or guardian of each child who attends the school in question.

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect Prince George's County Board of Education operations or finances.

Small Business Effect: Potential minimal.

Analysis

Current Law/Background: There is no prohibition on placing a telecommunications transmission facility on public school property in the State. In addition, State law does not require hearings to be held for proposed installations of transmission facilities.

According to the Federal Communications Commission (FCC), the federal Communications Act preserves state and local authority over zoning and land use decisions for personal wireless service facilities, but sets forth specific limitations on that authority.

Specifically, a state or local government may not unreasonably discriminate among providers of functionally equivalent services, may not regulate in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services, must act on applications within a reasonable period of time, and must make any denial of an application in writing supported by substantial evidence in a written record. The statute also preempts local decisions premised directly or indirectly on the environmental effects of radio frequency (RF) emissions, assuming that the provider is in compliance with FCC's RF rules.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Federal Communications Commission; Prince George's County; Washington Suburban Sanitary Commission; Public Service Commission; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2018
md/hlb

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