

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

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring a county or a municipal corporation to process any local
5 permit required under a certificate of public convenience and necessity issued by the
6 Public Service Commission for generating stations, transmission lines, and qualified
7 generator lead lines; and generally relating to certificates of public convenience and
8 necessity.

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

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

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

Article – Public Utilities

22 7–207.

23 (b) (1) (i) Unless a certificate of public convenience and necessity for the
24 construction is first obtained from the Commission, a person may not begin construction in
25 the State of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **(H) NOTWITHSTANDING ANY LOCAL LAW, A COUNTY OR MUNICIPAL**
4 **CORPORATION SHALL PROCESS WITHIN A REASONABLE TIME ANY LOCAL PERMIT**
5 **REQUIRED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
6 **ISSUED UNDER THIS SECTION.**

7 7–208.

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

12 **(J) NOTWITHSTANDING ANY LOCAL LAW, A COUNTY OR MUNICIPAL**
13 **CORPORATION SHALL PROCESS WITHIN A REASONABLE TIME ANY LOCAL PERMIT**
14 **REQUIRED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**
15 **ISSUED UNDER THIS SECTION.**

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

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