

# HOUSE BILL 692

C5

3lr1663  
CF SB 489

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By: **Delegate Crosby**

Introduced and read first time: February 6, 2023

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 6, 2023

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## 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 any local permit required under a certificate of public  
6 convenience and necessity issued by the Public Service Commission for generating  
7 stations, transmission lines, and qualified generator lead lines; requiring a county  
8 or municipal corporation to process the local permits in a certain manner; prohibiting  
9 a county or municipal corporation from conditioning the approval of the local permits  
10 on certain reviews, approvals, and findings; and generally relating to certificates of  
11 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)

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### 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) NOTWITHSTANDING ANY LOCAL LAW, A COUNTY OR MUNICIPAL CORPORATION SHALL PROCESS WITHIN A REASONABLE TIME~~

(1) A COUNTY OR MUNICIPAL CORPORATION HAS THE AUTHORITY TO PROCESS ANY LOCAL PERMIT REQUIRED UNDER A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY ISSUED UNDER THIS SECTION.

(2) A COUNTY OR MUNICIPAL CORPORATION SHALL PROCESS 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:

(I) RECEIPT OF ANY OF THE FOLLOWING REVIEWS OR APPROVALS FOR ANY ASPECT OF A GENERATING STATION, AN OVERHEAD TRANSMISSION LINE, OR A QUALIFIED LEAD LINE PROPOSED TO BE CONSTRUCTED UNDER THE CERTIFICATE:

1. A CONDITIONAL USE APPROVAL;
2. A SPECIAL EXCEPTION APPROVAL;
3. A FLOATING ZONE APPROVAL; OR

1                                   **4. ANY DISCRETIONARY REVIEW OR APPROVAL; OR**

2                                   **(II) A FINDING BY THE COUNTY OR MUNICIPAL CORPORATION**  
3 **THAT THE PROJECT IS CONSISTENT WITH OR ALLOWED BY THE COMPREHENSIVE**  
4 **PLAN OR ZONING OF THE COUNTY OR MUNICIPAL CORPORATION.**

5 7-208.

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

10           **(J) NOTWITHSTANDING ANY LOCAL LAW, A COUNTY OR MUNICIPAL**  
11 **CORPORATION SHALL PROCESS WITHIN A REASONABLE TIME**

12           **(1) A COUNTY OR MUNICIPAL CORPORATION HAS THE AUTHORITY TO**  
13 **PROCESS ANY LOCAL PERMIT REQUIRED UNDER A CERTIFICATE OF PUBLIC**  
14 **CONVENIENCE AND NECESSITY ISSUED UNDER THIS SECTION.**

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

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

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

21           **(3) A COUNTY OR MUNICIPAL CORPORATION MAY NOT CONDITION**  
22 **THE APPROVAL OF A LOCAL PERMIT REQUIRED UNDER A CERTIFICATE OF PUBLIC**  
23 **CONVENIENCE AND NECESSITY ISSUED UNDER THIS SECTION ON:**

24                                   **(I) RECEIPT OF ANY OF THE FOLLOWING REVIEWS OR**  
25 **APPROVALS FOR ANY ASPECT OF A GENERATING STATION, AN OVERHEAD**  
26 **TRANSMISSION LINE, OR A QUALIFIED LEAD LINE PROPOSED TO BE CONSTRUCTED**  
27 **UNDER THE CERTIFICATE:**

28                                   **1. A CONDITIONAL USE APPROVAL;**

29                                   **2. A SPECIAL EXCEPTION APPROVAL;**

30                                   **3. A FLOATING ZONE APPROVAL; OR**

**4. ANY DISCRETIONARY REVIEW OR APPROVAL; OR**

**(II) A FINDING BY THE COUNTY OR MUNICIPAL CORPORATION THAT THE PROJECT IS CONSISTENT WITH OR ALLOWED BY THE COMPREHENSIVE PLAN OR ZONING OF THE COUNTY OR MUNICIPAL CORPORATION.**

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.