

HOUSE JOINT RESOLUTION 18

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1999 Regular Session
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By: **Delegate Hixson**
Introduced and read first time: February 18, 1999
Assigned to: Rules and Executive Nominations

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Task Force to Study Use of Public Rights-of-Way by Telecommunications**
3 **Providers**

4 FOR the purpose of establishing a Task Force to Study Use of Public Rights-of-Way
5 by Telecommunications Providers; providing for the membership, duties, and
6 staffing of the Task Force; providing for a certain report to be delivered by a
7 certain date; providing for certain notice procedures for meetings of the Task
8 Force; and generally relating to the establishment of a Task Force to Study Use
9 of Public Rights-of-Way by Telecommunications Providers.

10 WHEREAS, The proliferation of telecommunications services and providers has
11 created an increasingly high demand for the use of public rights-of-way; and

12 WHEREAS, Many private companies are competing to use limited
13 rights-of-way that are owned and maintained by local governments; and

14 WHEREAS, The Federal Telecommunications Act of 1996 stated that it did not
15 preempt local authority to charge for and regulate the use of public rights-of-way;
16 and

17 WHEREAS, Local governments not only incurred costs to obtain rights-of-way,
18 but are also incurring continuing costs to protect the public and maintain
19 rights-of-way while allowing access to telecommunications providers; now, therefore,
20 be it

21 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That there shall
22 be a Task Force to Study Use of Public Rights-of-Way by Telecommunications
23 Providers; and be it further

24 RESOLVED, That the Task Force shall be composed of:

25 (1) Six members of the House of Delegates, appointed by the Speaker of
26 the House;

27 (2) Six members of the Senate of Maryland, appointed by the President
28 of the Senate;

29 (3) The Secretary of Transportation, or the Secretary's designee;

1 (4) Six members appointed by the Governor, as follows:

2 (a) Two representatives from a municipal corporation, with one
3 from an urban area and one from a rural area;

4 (b) Two representatives from a county government, one from a
5 charter county, and one from a commissioner county; and

6 (c) Two representatives of the telecommunications industry; and be
7 it further

8 RESOLVED, That the President of the Senate and the Speaker of the House
9 shall select the chairman from the membership of the Task Force; and be it further

10 RESOLVED, That the Task Force shall:

11 (1) Review the status of current law, including federal and State laws
12 and court decisions regarding the right of local government to charge for and regulate
13 the use of public rights-of-way;

14 (2) Study the impact that the use of the public rights-of-way by a
15 growing number of telecommunications providers has on the condition of local roads
16 and rights-of-way, as well as on expenditures by the local government;

17 (3) Consider the equity and adequacy of the current standard requiring
18 telecommunications providers to pay for any damages done by their use of the public
19 rights-of-way;

20 (4) Consider reimbursement strategies for the use of the public
21 rights-of-way, including the use of franchise fees, rental fees, and other types of
22 payment to the local government;

23 (5) Make any recommendations for legislation that it considers
24 appropriate for introduction in the 2000 legislative session; and be it further

25 RESOLVED, That the members of the Task Force serve without compensation,
26 but may be reimbursed for expenses in accordance with the Standard State Travel
27 Regulations; and be it further

28 RESOLVED, That staff for the Task Force shall be provided by the Department
29 of Legislative Services, and that notice of each meeting of the Task Force be made
30 public by delivering a copy of the meeting notice to the Legislative Information
31 Officer, Room B-6, Department of Legislative Services, Legislative Services Building,
32 90 State Circle, Annapolis, MD 21401-1991. The notice shall be delivered no later
33 than Tuesday afternoon at 4 p.m. for inclusion in the weekly Hearing Schedule; and
34 be it further

35 RESOLVED, That the Task Force shall report its findings and recommendations
36 to the Governor and, in accordance with § 2-1246 of the State Government Article, to
37 the General Assembly by December 1, 1999; and be it further

1 RESOLVED, That a copy of this Resolution be forwarded by the Department of
2 Legislative Services to the Honorable Parris N. Glendening, Governor of Maryland;
3 the Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and
4 the Honorable Casper R. Taylor, Jr., Speaker of the House of Delegates.