

SENATE JOINT RESOLUTION 10

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1999 Regular Session
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CF 9lr2364

By: **Senator Lawlah**
Introduced and read first time: March 1, 1999
Assigned to: Rules
Re-referred to: Finance, March 11, 1999

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 30, 1999

RESOLUTION NO. _____

SENATE JOINT RESOLUTION

1 A Senate 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~~ There is 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

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

2 (1) ~~Six~~ Two members of the House of Delegates, appointed by the
3 Speaker of the House;

4 (2) ~~Six~~ Two members of the Senate of Maryland, appointed by the
5 President of the Senate;

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

7 (4) ~~Six~~ Eight members appointed by the Governor, as follows:

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

10 (b) Two representatives from a county government, one from a
11 charter county, and one from a commissioner county; and

12 (c) ~~Two~~ Four representatives of the ~~telecommunications industry~~
13 users of the public rights-of-way, as follows:

14 (i) One representative of the telecommunications industry;

15 (ii) One representative of the cable television industry;

16 (iii) One representative of the electric utility industry; and

17 (iv) One representative of the gas industry; and be it further

18 RESOLVED, That the President of the Senate shall select a cochairman from
19 the two Senate members on the Task Force and the Speaker of the House shall select
20 the chairman from the membership of the Task Force a cochairman from the two
21 House of Delegates members on the Task Force; and be it further

22 RESOLVED, That the Task Force shall:

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

26 (2) Study the impact that the use of the public rights-of-way by a
27 growing number of ~~telecommunications providers~~ users has on the condition of local
28 roads and rights-of-way, as well as on expenditures by the local government;

29 (3) Consider the equity and adequacy of the current standard requiring
30 ~~telecommunications providers~~ users to pay for any damages done by their use of the
31 public rights-of-way;

32 (4) Consider reimbursement strategies for the use of the public
33 rights-of-way, including the use of franchise fees, rental fees, taxes, and other types
34 of payment to the local government;

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

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

6 RESOLVED, That staff for the Task Force shall be provided by the Department
7 of Legislative Services, and that notice of each meeting of the Task Force be made
8 public by delivering a copy of the meeting notice to the Legislative Information
9 Officer, Room B-6, Department of Legislative Services, Legislative Services Building,
10 90 State Circle, Annapolis, MD 21401-1991. The notice shall be delivered no later
11 than Tuesday afternoon at 4 p.m. for inclusion in the weekly Hearing Schedule; and
12 be it further

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

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