

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 114

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 3 down through “trimming” in line 4 and substitute “authorizing the Department of Natural Resources, under certain circumstances, to issue a permit for certain activities related to certain”; in line 4, after “trees;” insert “prohibiting the Department from applying certain criteria to certain permit applicants; requiring the Department to issue certain permits at a certain time; authorizing the Department to condition certain permit performance in a certain way; altering a certain definition; making certain technical corrections;”; in line 5, strike “the cutting down and trimming of” and substitute “permits for activities related to”; and in line 8, after “Section” insert “5-401 and”.

AMENDMENT NO. 2

On page 1, after line 13, insert:

“5-401.

In this subtitle, [roadside tree] “ROADSIDE TREE” means [any] A tree or shrub [growing within] THAT IS LOCATED ON the right-of-way of [any] A public road, REGARDLESS OF WHETHER THE RIGHT-OF -WAY IS OWNED IN FEE OR IN EASEMENT.”; strike beginning with “Any” in line 15 down through “if” in line 17 and substitute:

“(1) EXCEPT AS AUTHORIZED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT CUT DOWN, TRIM, MUTILATE, OR IN ANY MANNER INJURE A ROADSIDE TREE WITHOUT A PERMIT ISSUED BY THE DEPARTMENT.

(2) (I) IF”;

(Over)

in lines 17, 18, and 19, in each instance, before “tree” insert “ROADSIDE”; in line 20, strike “; and” and substitute a period; in line 21, strike “(2) a” and substitute “(II) A ROADSIDE”; and in line 23, strike “his” and substitute “THE LANDOWNER’S”.

On page 2, strike beginning with “A” in line 1 down through “CARE” in line 5 and substitute:

“(1) EXCEPT AS SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT MAY ISSUE A PERMIT UNDER THIS SECTION IF THE PROPOSED ACTIVITY”;

in lines 6, 8, and 9, strike “(1)”, “(2)”, and “(3)”, respectively, and substitute “(I)”, “(II)”, and “(III)”, respectively; in line 8, strike “TREE”; in the same line, after “CONDITION” insert “OF A ROADSIDE TREE”; in line 9, strike the second “THE” and substitute “A”; and strike in their entirety lines 11 and 12 and substitute:

“(2) (I) IN THIS PARAGRAPH, “PUBLIC SERVICE COMPANY” HAS THE MEANING STATED IN § 1-101(W) OF THE PUBLIC UTILITY COMPANIES ARTICLE.

(II) WHEN A PUBLIC SERVICE COMPANY OR THE AGENT OF A PUBLIC SERVICE COMPANY APPLIES FOR A PERMIT TO TRIM A ROADSIDE TREE, THE DEPARTMENT:

1. MAY NOT APPLY THE CRITERIA UNDER PARAGRAPH (1) OF THIS SUBSECTION AS TO THE ISSUANCE OF THE PERMIT;

2. SHALL ISSUE THE PERMIT PROMPTLY; AND

3. MAY CONDITION PERFORMANCE UNDER THE PERMIT AS NECESSARY TO COMPLY WITH APPLICABLE REGULATIONS.”.