

SENATE BILL 423

L6
SB 296/06 – EHE

71r0675

By: **Senators Madaleno, Britt, Colburn, Edwards, Forehand, Frosh, Jacobs, Kelley, Lenett, Munson, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe**

Introduced and read first time: February 2, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Street Lighting Equipment**

3 FOR the purpose of authorizing a local government to purchase certain street lighting
4 equipment from an electric company; requiring a local government to pay fair
5 market value for the purchase of certain street lighting equipment; providing
6 that a local government that purchases certain street lighting equipment is
7 responsible for the maintenance of the street lighting equipment and may
8 contract with an outside entity for the maintenance of the street lighting
9 equipment; requiring a person that controls the right to use space on certain
10 poles, lampposts, or other mounting surfaces to allow a certain local government
11 to assume the rights and obligations of an electric company under certain
12 circumstances; prohibiting a local government from restricting or prohibiting
13 universal access for electricity or any other service under certain circumstances;
14 providing that certain provisions of law regarding high voltage lines do not
15 apply to the maintenance of street lighting equipment under certain
16 circumstances; defining a certain term; and generally relating to street lighting
17 equipment.

18 BY adding to

19 Article 24 – Political Subdivisions – Miscellaneous Provisions
20 Section 5–101 to be under the new title “Title 5. Street Lighting Equipment”
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Labor and Employment
3 Section 6–102
4 Annotated Code of Maryland
5 (1999 Replacement Volume and 2006 Supplement)

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

8 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

9 **TITLE 5. STREET LIGHTING EQUIPMENT.**

10 **5–101.**

11 (A) IN THIS SECTION, “ELECTRIC COMPANY” HAS THE SAME MEANING
12 AS PROVIDED IN § 1–101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

13 (B) ON WRITTEN REQUEST BY A LOCAL GOVERNMENT, AN ELECTRIC
14 COMPANY SHALL SELL TO THE LOCAL GOVERNMENT SOME OR ALL OF THE
15 ELECTRIC COMPANY’S EXISTING STREET LIGHTING EQUIPMENT THAT IS
16 LOCATED WITHIN THE LOCAL JURISDICTION.

17 (C) IF THE LOCAL GOVERNMENT PURCHASES STREET LIGHTING
18 EQUIPMENT FROM AN ELECTRIC COMPANY, THE LOCAL GOVERNMENT SHALL
19 PAY TO THE ELECTRIC COMPANY THE FAIR MARKET VALUE OF THE STREET
20 LIGHTING EQUIPMENT.

21 (D) A LOCAL GOVERNMENT THAT PURCHASES THE STREET LIGHTING
22 EQUIPMENT IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION SHALL BE
23 RESPONSIBLE FOR THE MAINTENANCE OF THE STREET LIGHTING EQUIPMENT
24 AND MAY CONTRACT WITH AN OUTSIDE ENTITY FOR THE MAINTENANCE OF THE
25 STREET LIGHTING EQUIPMENT.

26 (E) (1) ANY PERSON WHO CONTROLS THE RIGHT TO USE SPACE ON
27 ANY POLE, LAMPPPOST, OR OTHER MOUNTING SURFACE PREVIOUSLY USED IN
28 THE LOCAL JURISDICTION BY THE ELECTRIC COMPANY FOR STREET LIGHTING
29 EQUIPMENT SHALL ALLOW A LOCAL GOVERNMENT THAT HAS PURCHASED THE
30 STREET LIGHTING EQUIPMENT TO ASSUME THE RIGHTS AND OBLIGATIONS OF
31 THE ELECTRIC COMPANY WITH RESPECT TO THE SPACE FOR THE UNEXPIRED

1 **TERM OF ANY LEASE OR OTHER AGREEMENT UNDER WHICH THE ELECTRIC**
2 **COMPANY USED THE SPACE.**

3 **(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION,**
4 **THE LOCAL GOVERNMENT MAY NOT RESTRICT OR PROHIBIT UNIVERSAL ACCESS**
5 **FOR ELECTRICITY OR ANY OTHER SERVICE BY ASSUMING THE RIGHTS AND**
6 **OBLIGATIONS OF AN ELECTRIC COMPANY AS TO SPACE ON ANY POLE,**
7 **LAMPPOST, OR OTHER MOUNTING SURFACE USED FOR STREET LIGHTING**
8 **EQUIPMENT.**

9 **Article – Labor and Employment**

10 6–102.

11 This title does not apply to:

12 (1) the maintenance or repair of an electric power plant or system that
13 a private company or corporation owns or operates for production of electricity for its
14 own use; [or]

15 (2) the construction, maintenance, or operation of a high voltage line
16 and its support structures and associated equipment by a public utility that the Public
17 Service Commission regulates or an agent or contractor of the utility; **OR**

18 **(3) THE MAINTENANCE OF STREET LIGHTING EQUIPMENT BY A**
19 **LOCAL GOVERNMENT THAT OWNS THE STREET LIGHTING EQUIPMENT.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2007.