

SENATE BILL 727

C5

8lr2650
CF HB 839

By: ~~Senators Klausmeier and Kasemeyer~~, Kasemeyer, and Brochin

Introduced and read first time: February 1, 2008

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 26, 2008

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Senate action: Adopted with floor amendments

Read second time: March 28, 2008

CHAPTER _____

1 AN ACT concerning

2 ~~Public Utility Companies – Electric Companies – Tree Care Activities~~
3 Electric Companies – Notification of Tree Care Schedule and Review – Public
4 Service Commission

5 FOR the purpose of requiring an electric company to ~~contact certain community~~
6 ~~associations before undertaking certain tree care activities under certain~~
7 ~~circumstances~~ use its website to provide notice of its upcoming scheduled tree
8 care activities; requiring an electric company to ~~publish a certain notice in a~~
9 ~~certain manner under certain circumstances~~, at least once each year, to include
10 with its billing materials a certain written description detailing where certain
11 information may be obtained on its website; requiring an electric company to
12 provide for public comment and hold a public hearing in a certain manner under
13 certain circumstances; authorizing a landowner to procure a tree expert for tree
14 removal under certain circumstances a certain notice to affected customers
15 using at least one of certain specified methods; providing an exception to
16 complying with certain requirements under this Act; requiring an electric
17 company to submit to the Public Service Commission a certain report on or
18 before a certain date each year; requiring the Commission to review a certain
19 schedule and include certain links on its website; providing that an electric
20 company is not required to submit certain changes regarding its scheduled tree
21 care activities to the Commission under certain circumstances; defining a
22 certain term; providing for the application of certain provisions of this Act; and
23 generally relating to electric companies and tree care activities.

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.



1 BY repealing and reenacting, with amendments,
 2 Article – Public Utility Companies
 3 Section 7–103
 4 Annotated Code of Maryland
 5 (1998 Volume and 2007 Supplement)

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

8 **Article – Public Utility Companies**

9 7–103.

10 (a) An electric company incorporated in Maryland may:

11 (1) manufacture, sell, and furnish electric power in any municipal
 12 corporation or county of the State;

13 (2) construct a power line to transmit power under, along, on, or over
 14 the roadways or public ways of any municipal corporation or county of the State; and

15 (3) connect the power line from the place of supply to any other
 16 structure or object.

17 (b) (1) An electric company must have the consent of the governing body
 18 of the municipal corporation or county before laying or constructing any power line in
 19 accordance with subsection (a) of this section.

20 (2) The governing body of the municipal corporation or county may
 21 adopt reasonable regulations and conditions for the laying of a power line, including
 22 regulations requiring the electric company to refill and repave any roadway or public
 23 way under which the power line is laid.

24 ~~(c) (1) AT LEAST 60 DAYS BEFORE AN ELECTRIC COMPANY ENGAGES~~
 25 ~~IN TREE CARE ACTIVITIES, WHICH INCLUDE THE TRIMMING, PRUNING,~~
 26 ~~THINNING, CABLING, SHAPING, REMOVING, OR REDUCING OF THE CROWN OF~~
 27 ~~TREES WITHIN 35 FEET OF A POWER LINE, THE ELECTRIC COMPANY SHALL:~~

28 ~~(i) CONTACT THE COMMUNITY ASSOCIATIONS IN WHICH~~
 29 ~~THE TREE CARE ACTIVITIES WILL BE CONDUCTED;~~

30 ~~(ii) PUBLISH NOTICE IN A NEWSPAPER OF GENERAL~~
 31 ~~CIRCULATION IN THE COUNTY OR MUNICIPAL CORPORATION IN WHICH THE~~
 32 ~~TREE CARE ACTIVITIES WILL BE CONDUCTED; AND~~

1 ~~(III) PROVIDE AN OPPORTUNITY FOR PUBLIC COMMENT AND~~
2 ~~HOLD A PUBLIC HEARING IN THE COUNTY OR MUNICIPAL CORPORATION IN~~
3 ~~WHICH THE TREE CARE ACTIVITIES WILL BE CONDUCTED.~~

4 ~~(2) AT THE PUBLIC HEARING CONDUCTED IN ACCORDANCE WITH~~
5 ~~PARAGRAPH (1) OF THIS SUBSECTION, THE ELECTRIC COMPANY SHALL~~
6 ~~PRESENT A DESCRIPTIVE PLAN OF THE PROPOSED TREE CARE ACTIVITIES.~~

7 ~~(D) A LANDOWNER SHALL HAVE THE OPPORTUNITY TO PROCURE A~~
8 ~~PRIVATE TREE EXPERT FOR THE REMOVAL OF A TREE LOCATED ON THE~~
9 ~~LANDOWNER'S PROPERTY IF:~~

10 ~~(1) THE TREE IS WITHIN 35 FEET OF A POWER LINE;~~

11 ~~(2) THE TREE IS AT LEAST 25 YEARS OLD; AND~~

12 ~~(3) THE ELECTRIC COMPANY HAS MAINTAINED THE TREE IN THE~~
13 ~~PAST AND HAS PROPOSED THE REMOVAL OF THE TREE.~~

14 (C) (1) (I) IN THIS SUBSECTION, "TREE CARE ACTIVITIES" MEANS
15 THE TRIMMING, PRUNING, THINNING, SHAPING, REMOVING, OR REDUCING OF
16 THE CROWN OF TREES.

17 (II) "TREE CARE ACTIVITIES" DOES NOT INCLUDE MOWING
18 OR GROWTH CONTROL APPLICATIONS.

19 (2) THIS SUBSECTION APPLIES ONLY TO TREE CARE ACTIVITIES
20 INVOLVING ELECTRIC TRANSMISSION LINES THAT ARE DESIGNED TO OPERATE
21 AT MORE THAN 100,000 VOLTS.

22 (3) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
23 SUBSECTION, AN ELECTRIC COMPANY SHALL:

24 (I) USE ITS WEBSITE TO PROVIDE NOTICE OF ITS
25 UPCOMING SCHEDULED TREE CARE ACTIVITIES; AND

26 (II) AT LEAST ONE TIME ANNUALLY, INCLUDE WITH ITS
27 BILLING MATERIALS A WRITTEN DESCRIPTION DETAILING WHERE
28 INFORMATION MAY BE OBTAINED ON ITS WEBSITE ABOUT ITS SCHEDULED TREE
29 CARE ACTIVITIES.

30 (4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
31 SUBSECTION, IN ADDITION TO THE REQUIREMENTS UNDER PARAGRAPH (3) OF
32 THIS SUBSECTION, AN ELECTRIC COMPANY SHALL PROVIDE NOTICE TO

1 AFFECTED CUSTOMERS OF ITS UPCOMING SCHEDULED TREE CARE ACTIVITIES
2 USING AT LEAST ONE OF THE FOLLOWING METHODS:

3 (I) PERSONAL CONTACT;

4 (II) PHONE CALLS;

5 (III) DOOR HANGERS;

6 (IV) MAILED NOTICES;

7 (V) BILL INSERTS;

8 (VI) NEWSPAPER ADVERTISEMENTS; OR

9 (VII) NOTIFICATION TO STATE AND LOCAL OFFICIALS WHO
10 GOVERN THE AREA OF THE UPCOMING SCHEDULED TREE CARE ACTIVITIES.

11 (5) AN ELECTRIC COMPANY MAY CONDUCT ANY TREE CARE
12 ACTIVITIES WITHOUT COMPLYING WITH THE REQUIREMENTS UNDER
13 PARAGRAPHS (3) AND (4) OF THIS SUBSECTION IF THE TREE CARE ACTIVITIES
14 ARE REQUIRED TO:

15 (I) ADDRESS DAMAGE OR THREATS TO SYSTEM
16 RELIABILITY, INCLUDING THOSE THAT RESULT FROM A FALLEN OR
17 STRUCTURALLY FAILING TREE, WEATHER-RELATED EVENT, NATURAL
18 DISASTER, OR OTHER CATASTROPHIC EVENT;

19 (II) RESTORE ELECTRIC SERVICE; OR

20 (III) ENSURE THE SAFETY OF PERSONS OR PROPERTY.

21 (6) (I) ON OR BEFORE DECEMBER 31 OF EACH YEAR, AN
22 ELECTRIC COMPANY SHALL SUBMIT TO THE COMMISSION ITS PROPOSED
23 SCHEDULE OF TREE CARE ACTIVITIES FOR THE FOLLOWING YEAR.

24 (II) THE COMMISSION SHALL REVIEW THE SCHEDULE AND
25 INCLUDE A LINK ON ITS WEBSITE TO EACH ELECTRIC COMPANY'S WEBSITE THAT
26 HAS SUBMITTED ITS PROPOSED SCHEDULE OF TREE CARE ACTIVITIES FOR THE
27 FOLLOWING YEAR.

28 (III) AN ELECTRIC COMPANY IS NOT REQUIRED TO SUBMIT
29 TO THE COMMISSION ANY CHANGES THAT MAY OCCUR TO ITS PROPOSED
30 SCHEDULE OF TREE CARE ACTIVITIES SUBMITTED UNDER SUBPARAGRAPH (I)

1 OF THIS PARAGRAPH IF THE ELECTRIC COMPANY UPDATES ITS WEBSITE WITH
2 THE CHANGES.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2008.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.