

SENATE BILL 1012

L6

8lr3515
CF HB 1623

By: **Senator Madaleno**

Constitutional Requirements Complied with for Introduction in the last 35 Days of
Session

Introduced and read first time: March 20, 2008

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Local Government – Street Lighting Equipment**

3 FOR the purpose of providing for the price that a local government shall pay to a
4 certain electric company for certain overhead fed street lighting equipment that
5 is at least a certain number of years old under certain circumstances; altering
6 the calculation of a purchase price that a local government shall pay to a certain
7 electric company for certain street lighting equipment under certain
8 circumstances; and generally relating to the purchase of street lighting
9 equipment by a local government from an electric company.

10 BY repealing and reenacting, with amendments,
11 Article 24 – Political Subdivisions – Miscellaneous Provisions
12 Section 5–101
13 Annotated Code of Maryland
14 (2005 Replacement Volume and 2007 Supplement)

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

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

18 5–101.

19 (a) In this section, “electric company” has the meaning stated in § 1–101 of
20 the Public Utility Companies Article.

21 (b) On written request by a local government, an electric company shall sell
22 to the local government some or all of the electric company’s existing street lighting
23 equipment that is located within the local jurisdiction.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) If the local government purchases street lighting equipment from an
2 electric company, the local government shall pay to the electric company [the fair
3 market value of the street lighting equipment] **THE FOLLOWING:**

4 (1) **FOR OVERHEAD FED STREET LIGHTING EQUIPMENT THAT IS**
5 **AT LEAST 40 YEARS OLD:**

6 (I) **\$25 FOR EACH INCANDESCENT OR MERCURY VAPOR**
7 **LUMINAIRE, INCLUDING THE LAMP, BALLAST, GLOBE, AND LIGHT-SENSITIVE**
8 **SWITCH; AND**

9 (II) **\$25 FOR EACH MOUNTING ARM OR BRACKET; AND**

10 (2) **FOR ANY OTHER STREET LIGHTING EQUIPMENT, THE FAIR**
11 **MARKET VALUE OF THE STREET LIGHTING EQUIPMENT, EXCLUDING ANY**
12 **CONTRIBUTIONS MADE BY THE LOCAL GOVERNMENT TO AID IN THE**
13 **CONSTRUCTION OF THE STREET LIGHTING EQUIPMENT.**

14 (d) A local government that purchases the street lighting equipment in
15 accordance with subsection (b) of this section shall be responsible for the maintenance
16 of the street lighting equipment and may contract with an outside entity for the
17 maintenance of the street lighting equipment.

18 (e) (1) Any person who controls the right to use space on any pole,
19 lamppost, or other mounting surface previously used in the local jurisdiction by the
20 electric company for street lighting equipment shall allow a local government that has
21 purchased the street lighting equipment to assume the rights and obligations of the
22 electric company with respect to the space for the unexpired term of any lease or other
23 agreement under which the electric company used the space.

24 (2) Notwithstanding paragraph (1) of this subsection, the local
25 government may not restrict or prohibit universal access for electricity or any other
26 service by assuming the rights and obligations of an electric company as to space on
27 any pole, lamppost, or other mounting surface used for street lighting equipment.

28 (3) Any dispute between an electric company and a local government
29 arising under this subsection shall be submitted to the Public Service Commission for
30 resolution.

31 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
32 **October 1, 2008.**