

SB0634/433892/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 634
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “purpose;” insert “requiring an electric cooperative to give certain notice to certain property owners at least a certain amount of time before constructing certain facilities in a certain electric easement or making capacity available for certain services in the electric easement; providing for the contents of a certain notice; providing for the application of this Act; defining a certain term;”; and after line 13, insert:

“BY adding to

Article - Corporations and Associations

Section 5-641.1

Annotated Code of Maryland

(2014 Replacement Volume and 2018 Supplement)”.

AMENDMENT NO. 2

On page 4, after line 13, insert:

“5-641.1.

(A) IN THIS SECTION, “ELECTRIC EASEMENT” MEANS AN EASEMENT HELD BY A COOPERATIVE FOR THE SITING OF ELECTRIC FACILITIES, REGARDLESS OF WHETHER THE EASEMENT IS FOR THE EXCLUSIVE BENEFIT OF THE COOPERATIVE OR FOR USE BY OTHER UTILITY COMPANIES.

(B) THIS SECTION APPLIES ONLY TO A COOPERATIVE IN THE EXERCISE OF ITS AUTHORITY UNDER § 5-607(A)(12) OF THIS SUBTITLE TO CONSTRUCT,

(Over)

MAINTAIN, OR OPERATE CONDUCTING OR COMMUNICATIONS FACILITIES WITHIN AN ELECTRIC EASEMENT THAT DOES NOT EXPRESSLY PROVIDE FOR THE CONSTRUCTION, MAINTENANCE, OR OPERATION OF CONDUCTING OR COMMUNICATIONS FACILITIES WITHIN THE EASEMENT.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A COOPERATIVE SHALL GIVE NOTICE TO EACH OWNER OF PROPERTY SUBJECT TO AN ELECTRIC EASEMENT AT LEAST 60 DAYS BEFORE THE COOPERATIVE:

(I) CONSTRUCTS CONDUCTING OR COMMUNICATIONS FACILITIES WITHIN THE EASEMENT; OR

(II) MAKES CAPACITY AVAILABLE FOR TELECOMMUNICATIONS, BROADBAND INTERNET ACCESS, OR RELATED SERVICES WITHIN THE ELECTRIC EASEMENT.

(2) THE COOPERATIVE SHALL GIVE THE NOTICE REQUIRED UNDER THIS SUBSECTION BY:

(I) POSTING NOTICE ON THE COOPERATIVE'S WEBSITE; AND

(II) INCLUDING THE NOTICE WITH BILLING INFORMATION SUCH AS A BILL INSERT OR BILL MESSAGE.

(3) THE COOPERATIVE SHALL GIVE THE NOTICE REQUIRED UNDER THIS SECTION AT THE NEXT FOLLOWING ANNUAL MEMBER MEETING OF THE COOPERATIVE AFTER THE NOTICE HAS BEEN GIVEN UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(4) THE NOTICE SHALL CONTAIN:

(I) A STATEMENT INDICATING THE COOPERATIVE'S INTENT TO USE THE ELECTRIC EASEMENT BY:

1. CONSTRUCTING NEW CONDUCTING OR COMMUNICATIONS FACILITIES; OR

2. MAKING CAPACITY AVAILABLE FOR TELECOMMUNICATIONS, BROADBAND INTERNET ACCESS, OR RELATED SERVICES THROUGH EXISTING FACILITIES; AND

(II) A WRITTEN PLAN FOR MAKING BROADBAND INTERNET SERVICE AVAILABLE WITHIN THE COOPERATIVE'S SERVICE TERRITORY.'

AMENDMENT NO. 3

On page 4, after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect all real property, rights-of-way, and easements held by an electric cooperative on and after the effective date of this Act."

and in line 14, strike "2." and substitute "3.".