

**REVENUE:**

**FISCAL:**

**SUBSEQUENT REFERRAL TO:**

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**Action:**

**Vote:**

**Yeas:**

**Nays:**

**Exc.:**

**Prepared By:** James LaBar, Administrator

**Meeting Dates:** 4/15

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**WHAT THE MEASURE DOES:** Provides that right and privilege to construct, maintain or operate water, gas, electric or communication service line, fixture or other facility along public roads, free of charge, does not extend to county roads. Prohibits governing bodies of counties from charging other public bodies fees for construction, maintenance or operation of such lines, fixtures and facilities. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:**

*(-1 amendment)* Provides exclusion for cities, rural electric cooperatives, and others.

*(-2 amendment)* Removes exclusion for public telecommunications utilities because of a regulation in the Federal Telecommunications Act.

**BACKGROUND:** Senate Bill 668-2 extends to counties the same authority granted to cities, charging fees for the use of their road rights-of-way, to counties. Each county would need to pass an ordinance indicating they will begin charging for the use of the county right-of-way, and then work with the utilities in their area to determine the fee schedule. To reduce any potential unintended consequences of governmental entities taxing others, SB 668-2 exempts other public bodies, including cities, rural electric cooperatives, and others. However, it does not exempt public telecommunications utilities because of a regulation in the Federal Telecommunications Act.