

HB 2654 -1 STAFF MEASURE SUMMARY

House Committee On Economic Recovery and Prosperity

Prepared By: Wenzel Cummings, LPRO Analyst

Meeting Dates: 2/4

WHAT THE MEASURE DOES:

Allows for the use of an electric easement to provide broadband services. Establishes notice requirements if the use of an electric easement for broadband services expands the uses for which the easement was granted. Provides for a cause of action by a property owner for certain damages and stipulates that such action must be brought within 18 months from the date the electric utility provided notice.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Limits authorization for use of electric easements for provision of broadband services by excluding electric easements granted on property owned, managed or operated by a city, including public rights of way within the city's boundaries. Removes requirement for notice to be provided within property owner's electric utility bill or by specified publications.

BACKGROUND:

An easement is a right to use another person's land for a specified purpose or benefit. Easements are commonly granted to utility companies, including electric utilities, to run utility service lines.

House Bill 2654 authorizes an electric utility that currently holds an easement for purposes of the utility's electric facilities to use, or authorize the use of, that easement for broadband services. The measure requires the electric utility to provide notice to the property owner if the provision of broadband services through the easement expands the use for which the easement was granted. The measure also creates a new cause of action by which the property owner may recover damages from any loss in property value that results from the use of the easement for broadband, and sets a statute of limitations for bringing this cause of action at 18 months from the date of the notice.