

HB 2654 A STAFF MEASURE SUMMARY

Senate Committee On Energy and Environment

Prepared By: Beth Reiley, LPRO Analyst

Meeting Dates: 5/4, 5/13

WHAT THE MEASURE DOES:

Permits an electric cooperative to use, or allow for use, an electric easement for broadband services. Requires the electric cooperative to provide 60-day written notice to the property owner if the use of the easement would result in an expansion of the uses for which the easement is granted and specifies the contents of the notice. Permits a commercial broadband service provider to request an electric cooperative send notice to a property owner and specifies the contents of the request. Prohibits an electric cooperative from using, or allowing for use, an electric easement granted on property owned, managed or operated by a city. Limits the use of unrecorded electric easements to those currently used by the electric cooperative for electric facilities. Specifies the requirements by which the provider of broadband services must comply when using an electric easement to include reasonable accommodations to prevent disruption of agricultural or forest operations, compensation to the property owner for damage, and seven-day notice prior to commencement of activities. Provides for an expansion of use to be vested in the electric cooperative. Creates a cause of action by the property owner against the provider of broadband services for damages and specifies that the cause of action must be brought within 18 months of the required notice by the electric cooperative and that the cause of action is the property owner's exclusive remedy with respect to the use of the easement for broadband. Stipulates that the authorization granted to an electric easement does not permit expanded use if it is expressly prohibited by the written easement. Permits the electric cooperative to determine whether the expanded use would interfere with the cooperative's use of the electric easement and to decline the expanded use. Requires an electric cooperative to indemnify and hold harmless a property owner for damage resulting from activities related to the installation of broadband facilities. Establishes limitations on pricing by electric cooperatives for electric services to broadband service providers.

- Ayes, 54; Excused, 6--Levy, Lively, Morgan, Nearman, Reynolds, Wallan
- Minimal Fiscal Impact
- No Revenue Impact

ISSUES DISCUSSED:

- Landowner notification process
- Improved broadband access in rural areas
- Type of easements being used
- Legal challenges in other states

EFFECT OF AMENDMENT:

No amendment.

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 A permits an electric cooperative to use, or allow for use, an electric easement for broadband services. The measure requires the electric cooperative to provide 60-day written notice to the property owner if the use of the easement would result in an expansion of the uses for which the easement is granted and specifies the contents of the notice.