

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	HB 1123
Version:	INT
Request Number:	6491
Author:	Rep. Phillips
Date:	2/15/2021
Impact:	Rural Electric Cooperatives

Use of Easements for Broadband

Research Analysis

HB 1123, as introduced, allows a rural electric cooperative to use an easement it holds for electric services to also use it to supply high-speed internet service. The measure prohibits a class action lawsuit against the rural electric cooperative or its broadband subsidiary based on a claim of expanded use of an easement when used for these purposes. In a trespass or inverse condemnation suit based on a claim of expanded use of an easement, any trespass found will be deemed permanent and the actual damages awarded will be the fair market value.

The bill allows a broadband provider with a current pole attachment agreement with the electric cooperative to also use the cooperative's above ground easement to provide high speed internet service.

Prepared By: Sean Webster

Fiscal Analysis

The measure relates to the ability of rural electric cooperatives to utilize owned easements used for electrical services to also be used for the purpose of supplying high-speed broadband services. Cooperatives are authorized to assess fees and charges on such use of their facilities.

No direct revenue or fiscal costs or savings to any state entity is anticipated.

Prepared By: Mark Tygret

Other Considerations

None.