

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Energy, Utilities and Telecommunications** recommends **HB 2589** be amended on page 1, in line 11, by striking "and" and inserting ", access,"; also in line 11, after "operate" by inserting ", maintain or remove"; in line 18, after the comma by inserting "where on a utility pole the law enforcement equipment may be installed,"; also in line 18, after "supply" by inserting "required and whether electric service is needed"; also in line 18, after "safe" by inserting "installation and"; in line 20, after "safety" by inserting "and security"; in line 21, after "operating" by inserting ", maintaining"; also in line 21, by striking the second "and"; in line 22, before "consistent" by inserting "provide the public utility the sole discretion to require that the law enforcement equipment be attached, accessed, operated, maintained or removed by the public utility or a contractor who the public utility determines is qualified to perform such work; and

(5)";

Also on page 1, in line 26, before "Pursuant" by inserting "A pole attachment agreement may contain other terms, conditions or provisions that are reasonable or necessary to facilitate the pole attachment agreement or to protect the public utility's systems and infrastructure.

(c)";

Also on page 1, in line 28, by striking "the attachment, maintenance or removal of" and inserting "attaching, accessing, operating, maintaining or removing"; in line 29, by striking all after "not"; in line 30, by striking all before the first "for" and inserting "charge a law enforcement agency"; in line 31, after the period by inserting "If the law enforcement equipment

requires electricity to be supplied by the public utility, such public utility may charge the law enforcement agency for the electric service. Nothing in this section shall prohibit a public utility from charging any other person or entity for the space required to attach other equipment on utility poles.

(d) Any law enforcement agency that enters into a pole attachment agreement with a public utility shall warrant and guarantee to the public utility that the attachment, access, operation, maintenance or removal of any and all law enforcement equipment complies with all applicable laws, rules and regulations and ordinances. A law enforcement agency shall be solely responsible for determining the need for any court order before attaching, accessing, operating, maintaining or removing any law enforcement equipment and for securing such court order when necessary or appropriate. A public utility that enters into a pole attachment agreement pursuant to this section shall not be liable for any failure of a law enforcement agency to secure a court order when necessary or appropriate for any activity conducted pursuant to the pole attachment agreement.";

Also on page 1, in line 32, by striking "(c)" and inserting "(e)";

On page 2, in line 2, by striking all after the period; by striking all in lines 3 and 4; in line 5, by striking "authorized by this section,"; also in line 5, after "indemnify" by inserting ", defend and hold harmless"; in line 6, by striking "any and all" and inserting "reasonable costs and expenses, including attorney fees, that are associated with any and all:

(1)";

Also on page 2, also in line 6, after "claims" by inserting "or court actions"; also in line 6, by striking "or"; in line 7, by striking all before the period and inserting "access, operation, maintenance or removal of law enforcement equipment or law enforcement activities conducted pursuant to such agreement, including, but not limited to, claims or court actions relating to

crossing or remaining on private property to access the public right-of-way; and

(2) damages to utility systems or infrastructure caused by the law enforcement equipment or attachment, access, operation, maintenance or removal of such equipment, except that if any such damage to the utility's systems or infrastructure is determined to have been caused solely by the public utility, the law enforcement agency shall not be liable for such damages";

Also on page 2, in line 16, after the period by inserting "'Public right-of-way" does not include a public or private easement that has not been designated a public right-of-way.";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly; and the bill be passed as amended.

_____Chairperson