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S.F. No. 1304 – Electric Cooperatives Use of Existing Easements to Provide Broadband Service (As Amended by the A-1 Amendment)

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Section 1. Paragraph (c) allows an electric cooperative, an affiliate, or another entity pursuant to an agreement to use an electric transmission or distribution easement for broadband infrastructure and to provide broadband service. Requires the cooperative to provide to the property owner on which the easement is located written notice that the cooperative intends to use the easement for broadband purposes. Requires the cooperative to file the notice with the county recorder.

Paragraph (d) requires the notice under **paragraph (c)** to be sent by first class mail to the last known address of the owner or by including in the property owner's utility bill. Provides the information that must be included on the notice.

Paragraph (e) allows a property owner, within six months after receiving the notice, to commence an action to recover damages for an electric cooperative's use of an easement for broadband service purposes. Requires the property owner to file a complaint as a civil action with the district court for the county in which the easement is located.

Paragraph (f) allows the cooperative to deposit with the court an amount equal to the cooperative's estimate of damages and allows the cooperative to use the easement for broadband purposes after making the deposit.

Paragraph (g) specifies that the landowner has the burden to prove any net reduction in the fair market value of the property. Prohibits awarding of consequential or special damages. Requires any fees or costs incurred to be paid by the party that incurred the fees or costs.

Paragraph (h) clarifies that nothing in this section limits an electric cooperative's existing easement rights.

Paragraph (i) provides definitions for the terms "broadband service" and "broadband infrastructure."

Paragraph (j) subjects the placement of broadband infrastructure in an easement located in the public right-of-way to local government permitting and right-of-way management authority. Requires the cooperative to notify a local government unit prior to placing infrastructure for broadband service in an easement that is in or adjacent to that local government unit's public right-of-way.