

HCS HB 144 -- REAL PROPERTY INTERESTS

SPONSOR: Falkner

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Local Government by a vote of 14 to 1.

The following is a summary of the House Committee Substitute for HB 144.

This bill requires the owners of telecommunications and cable television lines and facilities to remove abandoned lines or facilities located in the public rights-of-way within 180 days of abandonment. The owner must also notify the relevant municipal, county, or state agency and provide a plan for removal within 30 days of abandonment.

Owners failing to remove abandoned lines or facilities within the specified time frame will be subject to a fine of \$500 per day until removal is completed and are responsible for reimbursing any costs incurred due to contact with abandoned lines and facilities during other infrastructure projects.

The bill also establishes the "Uniform Easement Relocation Act".

The bill defines "appurtenant easement", "conservation easement", "dominant estate", "easement", "easement holder", "easement in gross", "lessee of record", "negative easement", "public utility easement", "security instrument", "security-interest holder of record", "servient estate", "title evidence", "unit", and "utility cooperative" as pertaining to the Act.

This bill specifies what types of easements may be relocated and details whether the relocation can proceed when individuals using the easement are affected by the relocation. The bill specifies the process necessary to obtain and execute an order to relocate an easement as well as the requirements for a court to approve relocation of an easement.

Upon the approval of an easement relocation, a servient estate owner is responsible for relocation expenses, as listed in the bill. This bill specifies the requirements for the construction of an improvement if an order for relocation requires construction of an improvement as a condition for relocation. Contractual implications of a relocation of an easement are also specified in the bill.

The right of a servient estate owner to relocate an easement cannot be waived, excluded, or restricted by agreement regardless of instances listed in the bill.

This bill is the same as HCS HB 2862 (2024).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that a standardized procedure for relocating easements will help simplify the process and reduce the likelihood of contentious disagreements between landowners.

Testifying in person for the bill were Representative Falkner and Arnie C. Dienoff.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.