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MEMORANDUM

To: Committee on Energy, Utilities and Telecommunications
From: Nick Myers, Office of Revisor of Statutes
Date: February 8, 2024
Subject: Bill Brief – House Bill 2589

House Bill 2589 would enact a new section of law to authorize any public utility, including any municipal utility or electric cooperative public utility to enter into a pole attachment agreement with any law enforcement agency to allow the law enforcement agency to attach and operate law enforcement equipment on utility poles. A pole attachment agreement would be required to:

1. Identify the utility poles in the public right of way where the equipment may be attached;
2. Specify the nature of the law enforcement equipment to be attached;
3. Establish safety specifications for attaching, accessing, operating and removing the equipment; and
4. Require the law enforcement agency to indemnify, defend and hold harmless the public utility from and against all liability relating to the public utility's actions to enter into a pole attachment agreement.

HB 2589 would authorize a public utility to assess reasonable fees or charges to recover actual costs incurred by the public utility for attachment, maintenance or removal of any law enforcement equipment.

HB 2589 would establish that any public utility that enters into a pole attachment agreement shall be considered an instrumentality of a governmental entity for purposes of the Kansas tort claims act. Additionally, HB 2589 would establish that if a law enforcement agency is held liable for any claim relating to law enforcement activities conducted pursuant to a pole attachment agreement, the law enforcement agency shall indemnify the public utility for all claims arising out of the attachment or operation of the law enforcement equipment.

If enacted, HB 2589 would take effect on July 1, 2024.