

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 488

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO UTILITIES; AMENDING SECTION 50-2502, IDAHO CODE, TO REVISE A
DEFINITION AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-2502, Idaho Code, be, and the same is hereby
amended to read as follows:

50-2502. DEFINITIONS. As used in this chapter, the following words and
phrases and any variations thereof shall have the following meaning:

(1) "Communication service" means the transmission of intelligence by
electrical means, including, but not limited to telephone, telegraph, mes-
senger-call, clock, police, fire alarm and traffic control circuits or the
transmission of standard television or radio signals.

(2) "Convert" or "conversion" means the removal of all or any part of
any existing overhead electric or communications facilities and the re-
placement thereof with underground electric or communication facilities
constructed at the same or different locations.

(3) "Electric or communication facilities" means any works or improve-
ments used or useful in providing electric or communication service, includ-
ing, but not limited to, poles, supports, tunnels, manholes, vaults, con-
duits, pipes, wires, conductors, guys, stubs, platforms, crossarms, braces,
transformers, insulators, ~~cut-outs~~ cutouts, switches, capacitors, meters,
communication circuits, appliances, attachments, and appurtenances. "Com-
munication facilities" shall not include facilities used for the transmis-
sion of intelligence by microwave or radio, apparatus cabinets or outdoor
public telephones.

(4) "Extension" or "extending" means any continuation, either overhead
or underground, of existing distribution or transmission facilities or the
construction of new electric or communication facilities ~~which~~ that are rea-
sonably required by prudent electrical or communication practices.

(5) "Governing body" means the board of county commissioners or mayor
and council or board of directors as may be appropriate depending on whether
the improvement district is located in a county or within a city.

(6) "Ordinance" shall be construed to mean resolution where the govern-
ing body properly acts by resolution and vice versa.

(7) "Overhead electric or communication facilities" means electric or
communication facilities located, in whole or in part, above the surface of
the ground.

(8) "Public utility" means any one (1) or more, public or private per-
sons or corporations that provide electric or communication service to the
public by means of electric or communication facilities and shall include
any city, special district, or public corporation that provides electric or

1 communication service to the public by means of electric or communication
2 facilities.

3 (9) "Underground electric or communication facilities" means electric
4 or communication facilities located, in whole or in part, beneath the sur-
5 face of the ground.

6 (10) A "lot" or "parcel" of land means a single tract or parcel of land
7 ~~containing five (5) acres or less. No; provided, that no~~ single tract or par-
8 cel of property containing more than five (5) acres that is actively devoted
9 to agriculture as authorized by section 63-604(1), Idaho Code, may be in-
10 cluded in any district organized under this chapter, ~~unless located within~~
11 ~~an incorporated city,~~ without the consent of the owner or owners thereof.

12 Definitions in section 50-1702, Idaho Code, shall be applicable to any
13 sections of chapter 17, title 50, Idaho Code, incorporated in this chapter by
14 reference.