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MEMORANDUM

To: Senate Committee on Utilities
From: Office of Revisor of Statutes
Date: February 5, 2025
Subject: Senate Bill 57 – As Introduced

Senate Bill 57 would amend current law to require that reimbursement be provided to entities that operate communications or utility facilities when it is necessary to modify or relocate any such facilities for certain road and highway projects.

Section 1

Section 1 of SB 81 would amend K.S.A. 68-402b to require that when any county, city or political subdivision enters into or is the beneficiary of a contract that involves federal-aid highway program funds or other federal funds for highway, road or street purposes, the contract shall include sufficient funds to pay for the cost to modify or relocate any communications facilities that are required to be moved or relocated for such project. After any such modification or relocation is completed, SB 81 would authorize the owner or operator of such communications facilities to submit an invoice to the county, city, political subdivision or secretary of transportation requesting reimbursement for such costs. SB 81 would require that the reimbursement payment be provided in-full within 90 days following receipt of such reimbursement request.

Section 1 of SB 81 would generally define "communications facilities" to mean facilities owned or operated by any telecommunications provider, video service provider or provider of broadband internet access services.

Section 2

Section 2 of SB 81 amends K.S.A. 68-415 to require that when the secretary of transportation orders a modification or relocation of utility facilities or communications facilities,

as such term would be defined in section 1, for a state highway project, the secretary shall make provision for payment of the costs associated with the modification or relocation. After any such modification or relocation is completed, SB 81 would authorize the owner or operator of any such facilities to submit an invoice to the secretary of transportation requesting reimbursement for the costs. SB 81 would require the secretary to reimburse the entity within 90 days following receipt of such reimbursement request.

SB 57 would maintain the requirement that if an entity does not comply with an order from the secretary of transportation to modify or relocate any such facilities, the secretary may undertake the modification or relocation and require the entity to reimburse the secretary for such costs.

SB 57 would maintain the authority of the secretary to expedite the modification or relocation by advancing moneys to the entity that owns or operates the facilities when such entity demonstrates a financial need for such advancement. SB 57 would, however, remove the requirement that any such advanced moneys be repaid by the entity. Instead, any such advanced moneys would be subtracted from the amount of reimbursement owed to the entity. Additionally, SB 57 would remove the limitation that not more than \$20,000 may be advanced for such purposes by the secretary.

Section 3

Section 3 of SB 57 would amend K.S.A. 68-2005 relating to the Kansas turnpike authority. Current law provides that the authority shall pay the costs to modify or relocate facilities of any public utility or pipeline operator. SB 57 would include facilities of video service providers and providers of broadband internet access service within such requirement. Therefore, with any turnpike project, the authority would be required to pay for modifications or relocations of any such communication and broadband facilities in the same fashion as utility and pipeline facilities.