

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Judiciary** recommends **SB 478** be amended on page 1, in line 34, after "employee" by inserting ", contractor or subcontractor"; in line 36, after "employee" by inserting ", contractor or subcontractor"; also in line 36, after "employee's" by inserting ", contractor's or subcontractor's";

On page 7, in line 29, after the second "employee" by inserting ", contractor or subcontractor";

Also on page 7, following line 31, by inserting:

"Sec. 3. K.S.A. 60-5402 is hereby amended to read as follows: 60-5402. (a) (1) A public utility shall not permit, allow or enter into an agreement that authorizes a law enforcement agency to attach, access, operate, maintain or remove law enforcement equipment on any utility pole or other structure that is owned or operated by the public utility for more than 60 days unless:

(A) Authorized by a lawfully issued warrant or court order; or

(B) the utility pole or structure is in a public area zoned for commercial activity or in any park or recreation area operated by a municipality as defined in K.S.A. 12-105a, and amendments thereto.

(2) After 60 days, if no warrant or court order is issued, any equipment shall be removed as soon as reasonably possible, and any evidence that is collected by such equipment after such 60 days shall not be admissible in any legal proceeding.

(b) Any public utility that authorizes a law enforcement agency or enters into an

agreement with a law enforcement agency to authorize the law enforcement agency to attach, access, operate, maintain or remove law enforcement equipment on any utility pole or other structure that is owned or operated by the public utility that complies with subsection (a) shall be immune from liability in any civil action that is based upon or arises from such authorization or agreement.

~~(b)~~(c) As used in this section:

(1) "Law enforcement agency" means a city police department, a county sheriff's department ~~or, a county police department~~ or the Kansas bureau of investigation.

(2) "Law enforcement equipment" means any camera. "Law enforcement equipment" does not include any nonvideo equipment or automatic license plate readers that destroy all data within 90 days unless specific data is retained as part of an open investigation.

~~(3)~~ "Public utility" means any public utility the same as defined in K.S.A. 66-104, and amendments thereto, municipally owned or operated public utility or electric cooperative public utility.";

Also on page 7, in line 32, after "21-5412" by inserting "and 60-5402";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, by striking all before the semicolon and inserting "utilities; relating to utility facilities and employees"; in line 3, after the semicolon by inserting "creating a maximum length of time for agreements authorizing law enforcement agencies to install certain equipment on utility poles or other structures and providing certain exceptions thereto; providing that evidence collected by such

equipment is not admissible in legal proceedings under certain circumstances;"; in line 4, after "21-5412" by inserting "and 60-5402"; and the bill be passed as amended.

_____Chairperson