

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to amend **HB 2433**, on page 1, following line 7, by inserting:

"New Section 1. (a) As used in this section and section 2, and amendments thereto:

(1) "Data center" means any facility, including any buildings, equipment, structures or other items of a facility that are:

(A) Located on a single premises or on any contiguous and adjacent premises;

(B) used by any person or entity to house computer and network systems and infrastructure, including, but not limited to, associated components such as servers, network equipment and appliances, communications and data storage systems, systems for monitoring and managing system and infrastructure performance, data communications connections, environmental controls, cooling or heat removal systems, fire protection systems and security systems and service; and

(C) operated for the primary purpose of providing for the storage, management, processing and transferring of digital data.

(2) "Large load data center" means any data center that is reasonably expected to have a monthly maximum electrical demand of 10 megawatts or more.

(b) A new large load data center shall not be installed, placed, constructed or operated within any county that has had a drought emergency declared for such county pursuant to the Kansas emergency management act, K.S.A. 48-924 et seq., and amendments thereto, within the preceding three calendar years. The board of county commissioners of any such county shall deny any installation, placement, construction or operation of a new large load data center during

any such three-calendar-year period following the declaration of a drought emergency for such county. The board of county commissioners of any such county may issue a moratorium to prohibit the installation, placement, construction or operation of any such data center until the end of such three calendar year period.

New Sec. 2. (a) Nothing in this act shall be construed to apply to any large load data center that:

(1) Was installed, placed, constructed or operated on or before July 1, 2026; or

(2) was authorized to be installed, placed, constructed or operated by a county or city prior to July 1, 2026, through:

(A) The issuance of a building, zoning or development permit that authorizes the installation, placement, construction or operation of the large load data center pursuant to zoning regulations;

(B) the issuance of a conditional or special use permit that authorizes the installation, placement, construction or operation of the large load data center notwithstanding zoning regulations; or

(C) the execution of a written agreement between the county or city and the owner or operator of a large load data center that authorizes the installation, placement, construction or operation of the large load data center.

(b) Nothing in this act shall preempt or prohibit a county or city from adopting or implementing planning and land use laws and regulations pursuant to K.S.A. 12-741 et seq., and amendments thereto, or any other statute that are more restrictive than the provisions of this act.";

On page 4, following line 28, by inserting:

"(41) Counties may not exempt from or effect changes in the provisions of section 1,

and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "prohibiting the installation, placement, construction or operation of any new large load data center in any county that has had a drought emergency declared for such county pursuant to the Kansas emergency management act within the preceding three years;"

Senator _____