

SESSION OF 2025

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2109

As Amended by Senate Committee of the Whole

Brief*

HB 2109, as amended, would exempt a public utility from civil liability relating to the attachment, access, operation, maintenance, or removal of law enforcement equipment on any utility pole or other structure that is owned or operated by the public utility, if the civil action is based upon or arises from an authorization or agreement between the public utility and law enforcement for placement of the equipment.

The bill would also define the following terms:

- “Law enforcement agency” would mean a city police department, a county sheriff’s department, or a county police department; and
- “Public utility” would mean any public utility as defined in law, municipally owned or operated public utility, or electric cooperative public utility.

Background

The bill was introduced by the House Committee on Energy, Utilities and Telecommunications at the request of Representative Hoheisel.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

***House Committee on Energy, Utilities and
Telecommunications***

In the House Committee hearing, **proponent** testimony was provided by representatives of the Kansas State Lodge Fraternal Order of Police and the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association. The proponents generally stated that pole cameras are an often-utilized strategic asset to law enforcement and discussed examples of technology being used to solve criminal investigations. It was also stated that utilities have historically allowed law enforcement to attach cameras to utility poles but have moved away from the practice due to liability concerns.

Written-only proponent testimony was provided by the State Fire Marshal and a representative of the Wichita Police Department.

Written-only neutral testimony was provided by representatives of the Citizens' Utility Ratepayer Board (CURB) and the Kansas Department of Transportation (KDOT).

No other testimony was provided.

Senate Committee on Utilities

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Kansas State Lodge Fraternal Order of Police and the Kansas Association of Chiefs of Police, Kansas Peace Officers Association, and Kansas Sheriffs Association that was substantially similar to the testimony provided to the House Committee.

Written-only neutral testimony was provided by representatives of CURB, Evergy, and KDOT.

No other testimony was provided.

The Senate Committee amended the bill to implement a sunset date of July 1, 2027.

Senate Committee of the Whole

The Senate Committee of the Whole amended the bill to:

- Remove the contents of HB 2109, as amended by the Senate Committee on Utilities;
- Add language regarding exemption of liability for public utilities that enter into agreements with law enforcement to place equipment on any utility pole or other structure owned or operated by the public utility; and
- Define the terms “law enforcement agency” and public utility.

Fiscal Information

An updated fiscal note was not immediately available.

Public utilities; utility pole; pole attachment agreement; law enforcement; liability