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SENATE UTILITIES COMMITTEE HEARING ON SB 401

Written Testimony in Opposition of SB 401 on behalf of the City of Shawnee
By Katie Killen, Assistant City Manager
February 8, 2016

Honorable Chair and members of the Senate Utilities Committee:

Upon initial review of this legislation, the City of Shawnee has several concerns that range from local control, to safety, to contradictory state statutes and conflicts with existing federal regulations.

First, the existing bill directly impacts local control. The City of Shawnee's Governing Body specifically adopted a position on their 2016 legislative program supporting protection of local control and Home Rule authority. The bill essentially strips local governments' rights to regulate setbacks, zoning and aesthetics for telecommunication towers.

Local governments work diligently to balance the infrastructure needs of telecommunication companies with expectations residents have for where these structures are placed, not only for aesthetic reasons, but also for safety reasons. One such concern related to safety is the lack of provisions for cities to address crumple and fall zones within SB 401.

Finally, upon review of the bill, there are existing statutes that are not repealed under this bill. Specifically, K.S.A. 17-1902. In addition to state statute, federal regulations are in conflict with SB 401 adding another layer of confusion. This only leads to uncertainty on how to move forward should this bill pass.

For these reasons, the City of Shawnee encourages the legislature to not act hastily on SB 401 and consider a more thorough review of the implications in this bill and the conflicts it potentially creates in its current form.

Thank you for your time and consideration.



SENATE UTILITIES COMMITTEE

DATE: 2-9-16

ATTACHMENT # 13