

SESSION OF 2018

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2702

As Recommended by House Committee on
Energy, Utilities and Telecommunications

Brief*

HB 2702 would change references in current law of “anemometer tower” to “meteorological evaluation tower” or “MET,” and add “documenting wind resources” to the existing definition of “anemometer.” In addition, the bill would require the Secretary of Transportation (Secretary) to establish and maintain a database with the location of METs in the state.

Database Establishment and Maintenance

The bill would require the Secretary to establish and maintain within the Kansas Department of Transportation (KDOT) prior to January 1, 2019, an electronic database that would contain the location of all METs in the state.

The contents of the database would be required to be available on the KDOT website prior to January 1, 2019, excluding the contact information of MET owners. In addition, KDOT would be required to update the database within 14 days of receiving the information provided by the MET owner.

The bill would stipulate KDOT has no duty to:

- Verify the accuracy of the information provided by the owner of a MET; or
- Inspect or maintain any MET in the state.

*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 <http://www.kslegislature.org>

Information Submission for the Database

The bill would require information to be submitted to KDOT for owners of existing METs, owners who are erecting METs, and owners who are removing METs.

Existing MET owners would be required to provide the following information to KDOT prior to September 1, 2019:

- Global positioning system (GPS) coordinates of the center of the MET;
- Elevation of the MET, measured in feet;
- The structure's height above ground level, measured in feet;
- Any other information pertinent to aviation safety;
- Owner's name, address, telephone number, the electronic mail address, and the name of any owner's representative, if available; and
- Certification that the MET is marked according to existing requirements.

The bill would require an owner erecting a MET to submit the above information at least ten days before erecting the MET.

The bill would require an owner removing a MET to notify KDOT within 14 days after the removal of the MET.

Penalties

The bill would establish that an owner who would fail to register the location of a MET as required by the bill would be guilty of a class C nonperson misdemeanor.

Rules and Regulations

Finally, the bill authorizes the Secretary of Transportation to adopt the necessary rules and regulations for the implementation of the bill.

Background

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

In the House Committee hearing, the Chief Counsel of KDOT presented testimony in favor of the bill, stating the National Transportation Safety Board (NTSB) in 2011 issued a safety alert to pilots of low-flying aircraft about unmarked METs. The 2011 Legislature then passed 2011 SB 227 requiring the painting of the top one-third of a tower with alternating bands of orange and white, and marker balls and safety sleeves placed on guy wires. In 2013, the NTSB issued further recommendations addressing safety issues with unmarked METs through legislation. In August 2017, the NTSB requested the status of that legislation. A representative of the Kansas Agricultural Aviation Association provided written-only testimony in favor of the bill.

A representative of The Wind Coalition provided neutral testimony, stating the organization was instrumental in crafting the 2011 legislation, which led to Kansas being one of the first states to enact legislation regarding MET tower marking.

No opponent testimony was provided.

According to the fiscal note prepared by the Division of the Budget on the bill, KDOT estimates that any additional expenditures associated with enactment of the bill would be negligible and could be handled within the agency's existing budget resources.