

HOUSE BILL No. 2702

By Committee on Energy, Utilities and Telecommunications

2-7

1 AN ACT concerning meteorological evaluation towers; relating to
2 reporting requirements, definitions; amending K.S.A. 2017 Supp. 66-
3 1281 and repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2017 Supp. 66-1281 is hereby amended to read as
7 follows: 66-1281. (a) As used in this section:

8 (1) "Anemometer" means an instrument for measuring and recording
9 the speed of wind *or documenting wind resources*; and

10 (2) ~~"anemometer tower"~~ *"Meteorological evaluation tower" or "MET"*
11 means a structure, including all guy wires and accessory facilities, on
12 which an anemometer is mounted.

13 (b) ~~Any anemometer meteorological evaluation tower~~ that is 50 feet
14 in height above the ground or higher, located outside the corporate
15 boundaries of any city, and whose appearance is not otherwise mandated
16 by state or federal law, shall be marked, painted, flagged or otherwise
17 constructed to be ~~recognizable~~ *visible* in clean air during daylight hours.

18 ~~Any anemometer meteorological evaluation tower~~ that was erected before
19 July 1, 2011, shall be marked as required by this section within two years
20 after the effective date of this act. ~~Any anemometer meteorological~~
21 ~~evaluation tower~~ that is erected on or after ~~the~~ July 1, 2011, shall be
22 marked as required by this section at the time it is erected. Marking
23 required under this section includes marking the ~~anemometer~~
24 ~~meteorological evaluation tower~~, guy wires and accessory facilities as
25 follows:

26 (1) The top 1/3 of the ~~anemometer meteorological evaluation tower~~
27 shall be painted in equal, alternating bands of aviation orange and white,
28 beginning with orange at the top of the tower and ending with orange at
29 the bottom of the marked portion of the tower;

30 (2) two marker balls shall be attached to and evenly spaced on each
31 of the outside guy wires; and

32 (3) one or more seven-foot safety sleeves shall be placed at each
33 anchor point and shall extend from the anchor point along each guy wire
34 attached to the anchor point.

35 (c) *Prior to January 1, 2019, the secretary of transportation shall*
36 *establish and maintain within the department of transportation an*

1 *electronic database that contains the location of all meteorological*
2 *evaluation towers in the state.*

3 *(d) Prior to September 1, 2019, the owner of an existing*
4 *meteorological evaluation tower shall provide the department of*
5 *transportation with the following:*

6 *(1) (A) The global positioning system coordinates of the center of the*
7 *meteorological evaluation tower; (B) the elevation of the meteorological*
8 *evaluation tower site, measured in feet; (C) the structure's height above*
9 *ground level, measured in feet; and (D) any other information pertinent to*
10 *aviation safety;*

11 *(2) (A) the owner's name, address and telephone number; and (B) the*
12 *electronic mail address and the name of any owner's representative if*
13 *available; and*

14 *(3) certification that the meteorological evaluation tower is marked*
15 *with the items listed pursuant to subsection (b).*

16 *(e) At least 10 days before the erection of a new meteorological*
17 *evaluation tower, the owner of the tower shall provide to the department of*
18 *transportation the information required pursuant to subsection (d).*

19 *(f) Within 14 days after the removal of any meteorological evaluation*
20 *tower, the owner of the tower shall notify the department of transportation*
21 *of the removal.*

22 *(g) The department of transportation shall make the contents of the*
23 *electronic database required by subsection (c) containing the information*
24 *required by subsection (d) available on its website prior to January 1,*
25 *2019, except information regarding the owner provided under subsection*
26 *(d)(2) shall not be included on the electronic database.*

27 *(h) The department of transportation shall update the electronic*
28 *database within 14 days of receipt of the information provided by an*
29 *owner of a meteorological evaluation tower as required by subsection (d).*
30 *The department of transportation has no duty to: (1) Verify the accuracy of*
31 *the information provided by the owner of a meteorological evaluation*
32 *tower; or (2) inspect or maintain any meteorological evaluation tower in*
33 *this state.*

34 *(i) Failure to properly mark ~~an anemometer~~ a meteorological*
35 *evaluation tower ~~is~~ shall be considered failing to mark ~~an anemometer~~ a*
36 *meteorological evaluation tower as required by subsection (b). An owner*
37 *of ~~an anemometer~~ a meteorological evaluation tower who fails to properly*
38 *mark ~~an anemometer~~ tower a meteorological evaluation tower or who*
39 *fails to register the location of a meteorological evaluation tower as*
40 *required by subsection (d) shall be guilty of a class C nonperson*
41 *misdemeanor.*

42 *(j) The secretary of the department of transportation may adopt rules*
43 *and regulations necessary for the implementation of the provisions of this*

1 *section.*

2 Sec. 2. K.S.A. 2017 Supp. 66-1281 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.