

HOUSE BILL No. 2805

By Representative Siegfroid

2-11

9 AN ACT concerning telecommunications; establishing the Kansas emer-
10 gency communications preservation act.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) In order to enhance and preserve the operation of
14 federally licensed amateur radio communications and to ensure its con-
15 tinued role in serving as an integral resource during times of emergency
16 for Kansas and its communities, there is hereby enacted an act which may
17 be known and cited as the Kansas emergency communications preser-
18 vation act.

19 (b) As used in this section:

20 (1) "Amateur radio services" means:

21 (A) Amateur service, as defined in 47 C.F.R. 97.3 (April 25, 2001) as
22 a radiocommunication service for the purpose of self-training, intercom-
23 munication and technical investigations carried out by amateurs, that is,
24 duly authorized persons interested in radio technique solely with a per-
25 sonal aim and without pecuniary interest;

26 (B) amateur-satellite service, as defined in 47 C.F.R. 97.3 (April 25,
27 2001) as a radiocommunication service using stations on earth satellites
28 for the same purpose as those of the amateur service; and

29 (C) radio amateur civil emergency service, as defined in 47 C.F.R.
30 97.407 (February 10, 2000).

31 (2) "Amateur service communications" means communications car-
32 ried out by one or more of the federally licensed amateur radio services.

33 (3) "Amateur station" means a station in an amateur radio service
34 consisting of the apparatus necessary for carrying on
35 radiocommunications.

36 (4) "Station antenna structures" means the antennas that serve a fed-
37 erally licensed amateur station, including such appurtenances and other
38 structures as may be necessary to support, stabilize, raise, lower or oth-
39 erwise adjust the antennas. The station antenna structures shall not be
40 construed to be permanent structures.

41 (c) A governing body of a city or county shall not adopt an ordinance,
42 resolution, regulation or plan, or take any other action that precludes
43 federally licensed amateur radio service communications, or that in any

1 manner does not conform to the provisions of 47 C.F.R. 97.15 and the
2 limited preemption entitled “amateur radio preemption, 101 F.C.C. 2d
3 952 (1985)” as issued by the federal communications commission.

4 (d) If a governing body of a city or county adopts an ordinance, res-
5 olution, regulation or plan, or takes any other action that regulates the
6 placement, screening, number or height of a station antenna structure
7 based on health, safety or aesthetic considerations, the ordinance, reso-
8 lution, regulation, plan or action must:

9 (1) Reasonably accommodate federally licensed amateur radio serv-
10 ice communications; and

11 (2) constitute the minimum regulation practicable to carry out the
12 legitimate purpose of the governing body.

13 (e) The provisions of this section do not apply to any district organized
14 pursuant to federal, state or local law, for the purpose of historic or ar-
15 chitectural preservation.

16 (f) Any ordinance, resolution, regulation, plan or other action adopted
17 or taken by a governing body in violation of the provisions of this section
18 is void.

19 (g) Station antenna structures constructed prior to the effective date
20 of this section are exempted from subsequent changes in zoning regula-
21 tions by the city or county and may be repaired as required.

22 Sec. 2. This act shall take effect and be in force from and after its
23 publication in the statute book.