

SESSION OF 2011

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 227**

As Amended by Senate Committee on  
Utilities

**Brief\***

SB 227 would require specific daylight visibility markings for any anemometer tower that is at least 50 feet in height and that is located outside the corporate boundaries of a city, provided the appearance of the tower is not otherwise mandated by state or federal law. (Anemometers are instruments for measuring and recording the speed of wind.)

The following markings would be required at the time the tower is erected: the top one-third of the anemometer tower must be painted in equal, alternating bands of aviation orange and white; two marker balls must be attached to and evenly spaced on each outside guy wire; and one or more seven-foot safety sleeves must be placed at each anchor point.

The requirements would apply to any anemometer tower erected on or after July 1, 2011. Towers erected before that date would be required to be marked within two years of the effective date of the act.

Failure by an owner of an anemometer tower to properly mark the tower is a class C nonperson misdemeanor.

**Background**

A representative of the Kansas Department of Agriculture testified that the bill would help protect the safety of pilots engaged in low-altitude activities such as aerial

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\*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>

applications, emergency medical helicopter services, law enforcement, and fire suppression. The Federal Aviation Administration threshold for obstruction markings is a height of 200 feet. Many meteorological evaluation towers, such as anemometer towers, fall below that level. The National Transportation Safety Board issued an alert to pilots in March 2011 to be vigilant in watching for meteorological evaluation towers during low-altitude flights. Written testimony in support of the bill was received from the Kansas Agricultural Aviation Association.

A representative of The Wind Coalition provided neutral testimony on the bill, noting that most Coalition members already comply with the bill or are in the process of achieving compliance. The Wind Coalition expressed concern about a provision in the bill requiring contrast marking, and in some cases fencing, of the area where each guy wire is anchored to the ground. No testimony in opposition to the bill was received.

The Senate Committee on Utilities amended the definition of anemometer tower in the bill to delete references to the purpose of the towers, and deleted the section of the bill that required contrast marking, and in some instances fencing, of the area surrounding the anchor point. The Committee specified the definition of municipality as the corporate boundaries of a city.

The fiscal note prepared by the Division of the Budget indicates the bill would have no fiscal effect on state operations.