

HOUSE BILL No. 2544

By Committee on Energy, Utilities and Telecommunications

Requested by Blaine Finch on behalf of Charter Communications Operating, LLC

1-26

1 AN ACT concerning communications service providers; relating to
2 directives from municipalities to relocate facilities located within the
3 public right-of-way; establishing the relocation reimbursement
4 assistance fund to provide monetary assistance to certain
5 communications service providers that are required to relocate
6 facilities; requiring the state treasurer to administer such fund and
7 establish an application process for disbursement of moneys in such
8 fund.
9

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

11 Section 1. (a) There is hereby established in the state treasury the
12 relocation reimbursement assistance fund. Such fund shall be administered
13 by the state treasurer. All expenditures from the relocation reimbursement
14 assistance fund shall be made in accordance with appropriation acts upon
15 warrants of the director of accounts and reports issued pursuant to
16 vouchers approved by the state treasurer or the state treasurer's designee.
17 In each fiscal year, the state treasurer shall make direct payment from the
18 relocation reimbursement assistance fund to any communications service
19 provider that qualifies for such assistance pursuant to this section. Such
20 direct payments shall be made upon warrants of the director of accounts
21 and reports issued pursuant to vouchers approved by the state treasurer or
22 the state treasurer's designee.

23 (b) On July 1, 2027, and each year thereafter, from the amount of
24 premium taxes paid to the commissioner of insurance pursuant to schedule
25 A and D of K.S.A. 40-252, and amendments thereto, that is remitted to the
26 state treasurer and credited to the state general fund, the director of
27 accounts and reports shall transfer from the state general fund \$2,000,000
28 of such amount to the relocation reimbursement assistance fund. All
29 transfers made in accordance with the provisions of this subsection shall
30 be considered to be demand transfers from the state general fund.

31 (c) (1) The state treasurer shall establish and administer a relocation
32 reimbursement assistance payment program for communication service
33 providers that were required to relocate facilities located in the public
34 right-of-way pursuant to a request, order or directive of a municipality.
35 Each fiscal year, the state treasurer shall accept applications from

1 providers that are seeking payment from the relocation reimbursement
2 assistance fund pursuant to such program. Such application shall be
3 submitted on a form and in the manner established by the state treasurer
4 and shall include:

- 5 (A) The name and business address of such provider;
- 6 (B) evidence of the request, order or directive to relocate facilities
7 located in the public right-of-way issued to the provider by a municipality;
- 8 (C) proof of the costs incurred by the provider in the preceding fiscal
9 year to relocate any such facilities pursuant to such request, order or
10 directive; and
- 11 (D) any other information required by the state treasurer.

12 (2) The state treasurer shall review and verify each application
13 submitted pursuant to the relocation reimbursement assistance payment
14 program. A communications service provider that submits a valid
15 application shall be approved for payment from the relocation
16 reimbursement assistance fund in accordance with paragraph (3).

17 (3) Each fiscal year, the state treasurer shall identify the amount in the
18 relocation reimbursement assistance fund that will be made available for
19 reimbursement payments to communications service providers pursuant to
20 such program. From the amount so identified, the state treasurer shall
21 make payment from the relocation reimbursement assistance fund to each
22 provider that is approved for payment pursuant to this section. A
23 communications service provider shall be entitled to receive payment for
24 any approved costs that in the preceding fiscal year were incurred by such
25 provider to relocate facilities located in the public right-of-way pursuant to
26 a request, order or directive of a municipality. Payment shall be made to
27 each such provider in such amount, except that if the amount in the
28 relocation reimbursement assistance fund that is identified and made
29 available by the state treasurer is insufficient to pay in full the amount that
30 each such provider is otherwise entitled to receive, the state treasurer shall
31 prorate such total available amount among all such eligible providers in
32 proportion to the amount that each such provider would otherwise be
33 entitled to receive if full payment could be made.

34 (d) On or before the 10th day of each month commencing on July 1,
35 2026, the director of accounts and reports shall transfer from the state
36 general fund to the relocation reimbursement assistance fund interest
37 earnings based on:

38 (1) The average daily balance of moneys in the relocation
39 reimbursement assistance fund for the preceding month; and

40 (2) the net earnings rate of the pooled money investment portfolio for
41 the preceding month.

42 (e) As used in this section:

43 (1) "Communications service provider" means any:

1 (A) Electing carrier pursuant to K.S.A. 66-2005(x), and amendments
2 thereto, telecommunications carrier as defined in K.S.A. 66-1,187(m), and
3 amendments thereto, or a local exchange carrier electing price cap
4 regulation pursuant to K.S.A. 66-2005(b), and amendments thereto, with a
5 valid franchise, franchise agreement, franchise ordinance, contract
6 franchise or contract franchise ordinance pursuant to the provisions of
7 K.S.A. 12-2001, and amendments thereto; or

8 (B) video service provider as defined in K.S.A. 12-2022, and
9 amendments thereto, that is the holder of a certificate of video service
10 authorization pursuant to K.S.A. 12-2023, and amendments thereto.

11 (2) "Municipality" means any city, county or township.

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