

SENATE BILL No. 266

By Committee on Federal and State Affairs

2-13

1 AN ACT concerning energy; relating to electric transmission development;
2 requiring legislative approval prior to the construction of high-impact
3 electric transmission lines; amending K.S.A. 66-1,177 and 66-1,178
4 and repealing the existing sections.

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

7 Section 1. K.S.A. 66-1,177 is hereby amended to read as follows: 66-
8 1,177. As used in this act, the following terms shall have the meanings
9 ascribed to them herein:

10 (a) "Electric utility" means every public utility, as defined by K.S.A.
11 66-104, ~~which and amendments thereto, that~~ owns, controls, operates or
12 manages any equipment, plant or generating machinery for the production,
13 transmission, delivery or furnishing- of electricity or electric power;

14 (b) "Electric transmission ~~lines~~ line" means any line or extension of a
15 line ~~which that~~ is at least five ~~(5)~~ miles in length and ~~which is~~ used for the
16 bulk transfer of ~~two hundred thirty~~ (230) kilovolts or more of electricity;

17 (c) "Commission" means the state corporation commission.

18 (d) "*High-impact electric transmission line*" means any line or
19 extension of a line that is at least 10 miles in length and used for the bulk
20 transfer of 340 kilovolts or more of electricity.

21 Sec. 2. K.S.A. 66-1,178 is hereby amended to read as follows: 66-
22 1,178. (a) No electric utility may begin site preparation for or construction
23 of an electric transmission line; or exercise the right of eminent domain to
24 acquire any interest in land in connection with the site preparation for a
25 construction of any such line without:

26 (1) First acquiring a siting permit from the commission; and

27 (2) if such line is a high-impact electric transmission line, also
28 acquiring the approval of the legislature in accordance with subsection
29 (c).

30 (b) (1) Whenever any electric utility desires to obtain such a siting
31 permit, the utility shall file an application with the commission setting
32 forth therein that the utility proposes to construct an electric transmission
33 line and specifying:

34 (⊕) (A) The proposed location thereof;

35 (⊖) (B) the names and addresses of the landowners of record whose
36 land or interest therein is proposed to be acquired in connection with the

1 construction of or is located within 660 feet of the center line of the
2 easement where the line is proposed to be located; and

3 ~~(3)~~(C) such other information as may be required by the commission.

4 ~~(b)~~(2) Upon the filing of an application pursuant to *this* subsection
5 ~~(a)~~, the commission shall fix a time for a public hearing on such
6 application, which shall be not more than 90 days after the date the
7 application was filed, to determine the necessity for and the reasonableness
8 of the location of the proposed electric transmission line. The commission
9 shall fix the place for hearing, which shall be in one of the counties
10 through which the electric transmission line is proposed to traverse.

11 ~~(e)~~(3) The commission may conduct an evidentiary hearing on an
12 application filed pursuant to this section at such time and place as the
13 commission deems appropriate.

14 ~~(d)~~(4) The commission shall issue a final order on the application
15 within 120 days after the date *that* the application was filed.

16 *(c) (1) In addition to obtaining a siting permit from the commission, a
17 high-impact electric transmission line shall not be constructed anywhere
18 in the state without the electric utility first obtaining the approval of the
19 legislature. Within 30 days following the commission's issuance of a siting
20 permit for a high-impact electric transmission line, the electric utility
21 proposing such transmission line shall submit written notice of the
22 issuance of such transmission line siting permit to the legislature. Such
23 notice shall contain:*

24 *(A) A description of the high-impact electric transmission line
25 proposal and the proposed location and route thereof;*

26 *(B) the reason for such high-impact transmission line proposal;*

27 *(C) a copy of the application submitted to the commission pursuant
28 to subsection (b);*

29 *(D) a copy of the commission's order granting the transmission line
30 siting permit; and*

31 *(E) any other information that the electric utility deems necessary or
32 relevant.*

33 *(2) Legislative approval is granted when the legislature adopts a
34 concurrent resolution to approve the construction of the high-impact
35 electric transmission line at any time. Failure to adopt a concurrent
36 resolution within a certain amount of time shall not be construed to
37 provide any such legislative approval.*

38 Sec. 3. K.S.A. 66-1,177 and 66-1,178 are hereby repealed.

39 Sec. 4. This act shall take effect and be in force from and after its
40 publication in the statute book.