

SENATE BILL No. 411

By Committee on Utilities

2-4

1 AN ACT concerning utilities; relating to electric transmission lines, right
2 to construct.

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

5 Section 1. (a) As used in this section:

6 (1) "Incumbent electric transmission owner" means any Kansas
7 electric utility, its affiliates or subsidiaries, as recognized by the state
8 corporation commission as a public utility, or any electric cooperative,
9 municipal power agency or municipal utility that owns, operates and
10 maintains electric facilities in this state. If there are two or more incumbent
11 electric transmission owners of a local electric transmission line, the term
12 "incumbent electric transmission owner" shall include each owner.

13 (2) "Local electric transmission line" means any line or extension of a
14 line with a rating of greater than 100 kilovolts and less than 200 kilovolts
15 or any related transmission facilities and controls.

16 (3) "Southwest power pool" means the southwest power pool regional
17 transmission organization or its federally recognized successor.

18 (b) An incumbent electric transmission owner has the right to
19 construct, own and maintain a new local electric transmission line that: (1)
20 Has been approved for construction by the southwest power pool in any
21 southwest power pool plan; and (2) connects to existing electric
22 transmission lines owned by the incumbent.

23 (c) The right to construct, own and maintain a new local electric
24 transmission line that will interconnect to existing electric transmission
25 lines that are owned by two or more incumbent electric transmission
26 owners shall belong individually and equally to each incumbent electric
27 transmission owner, unless otherwise agreed upon in writing by the
28 incumbent electric transmission owners.

29 (d) Nothing in this section shall be construed to affect an incumbent
30 electric transmission owner's use and control of its existing property rights,
31 including, but not limited to, the incumbent electric transmission owner's
32 ability to assign its rights to construct, own and maintain an electric
33 transmission line described in subsection (b). The retention, modification
34 or transfer of existing property rights described in subsection (b) shall
35 remain subject to the relevant state law recognizing the property right.

36 Sec. 2. This act shall take effect and be in force from and after its

- 1 publication in the statute book.