

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 318**

As Amended by Senate Committee of the Whole

**Brief\***

SB 318 would repeal the Kansas Electric Transmission Authority Act statutes that established the Kansas Electric Transmission Authority (KETA). In addition, the bill would abolish the KETA Administrative Fund and the KETA Development Fund and transfer the balances and liabilities of those funds to the State General Fund. The bill also would remove the exceptions for KETA from the current list of exceptions to the Kansas Open Records Act.

In addition, the bill would suspend all state agency activities that are in furtherance of the U.S. Environmental Protection Agency (EPA) docket EPA-HQ-OAR-2013-0602, codified as 40 CFR part 60 (Clean Power Plan). The suspension of state agency activities would continue until the stay on the implementation of the Clean Power Plan is lifted. (The U.S. Supreme Court issued a stay on February 9, 2016, with regard to the implementation of the Clean Power Plan.)

The bill would be in effect upon publication in the *Kansas Register*.

**Background**

The bill was introduced by the Senate Committee on Utilities.

At the Senate Committee hearing, representatives of Americans For Prosperity Kansas, Westar Energy, Kansas

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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>

City Power & Light, and Empire District Electric testified in favor of the bill.

Representatives of WindSoHy and the Kansas Sierra Club testified in opposition to the bill. Written testimony in opposition to the bill was submitted by a representative of the Climate + Energy Project.

Neutral testimony was presented by the KETA Chairman, KETA Secretary, and a member of KETA, all three of whom were appointed by the Governor.

The Senate Committee of the Whole amended the bill to address the recent stay granted by the U.S. Supreme Court on the implementation of the Clean Power Plan by adding language to suspend all state agency activities related to this implementation until the stay is lifted.

The fiscal note prepared by the Division of the Budget states enactment of the bill would result in a transfer of \$251,356 from the KETA Administrative Fund to the State General Fund. The KETA Development Fund currently is inactive. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*. A fiscal note on the bill, as amended, was not available.