

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **Substitute for SB 69**, as amended by House Committee, on page 1, in line 6, before "Section" by inserting "New";

On page 4, following line 39, by inserting:

"Sec. 2. K.S.A. 66-1,177 is hereby amended to read as follows: 66-1,177. As used in this act, the following terms shall have the meanings ascribed to them herein:

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

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

(c) "urban electric transmission line" means any line or extension of a line that is located within the corporate limits of a city and that is at least ¼ mile in length and designed for the transfer of 69 kilovolts or more of electricity; and

~~(d)~~ "commission" means the state corporation commission.

Sec. 3. K.S.A. 66-1,178 is hereby amended to read as follows: 66-1,178. (a) ~~No~~ An electric utility ~~may begin~~ shall acquire a siting permit from the commission prior to beginning site preparation for or construction of an electric transmission line, or exercise or an urban electric transmission line or exercising the right of eminent domain to acquire any interest in land in connection with the site preparation for a ~~the construction of any such line without first acquiring a siting permit from the~~

~~commission lines.~~

(2) Whenever any electric utility desires to obtain ~~such~~ a siting permit, the utility shall file an application with the commission setting forth therein that the utility proposes to construct an electric transmission line or an urban electric transmission line and specifying:

~~(1)~~(A) The proposed location thereof;

~~(2)~~(B) the names and addresses of the landowners of record whose land or interest therein is proposed to be acquired in connection with the construction of or is located within 660 feet of the center line of the easement where ~~the~~ such line is proposed to be located; and

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

(b) Upon the filing of an application pursuant to subsection (a), the commission shall fix a time for a public hearing on such application, which shall be not more than 90 days after the date the application was filed, to determine the necessity for and the reasonableness of the location of the proposed electric transmission line or urban electric transmission line. The commission shall fix the place for hearing, which shall be in one of the counties through which the electric transmission line or in the city through which the urban electric transmission line is proposed to traverse.

(c) The commission may conduct an evidentiary hearing on an application filed pursuant to this section at such time and place as the commission deems appropriate.

(d) The commission shall issue a final order on the application within 120 days after the date the application was filed.

Sec. 4. K.S.A. 66-1,179 is hereby amended to read as follows: 66-1,179. The commission shall publish notice of the time, place and subject matter of the public hearing provided for by K.S.A. 66-1,178, and amendments thereto, in newspapers having general circulation in every county through which the electric transmission line or in the city through which the urban electric transmission line is proposed to traverse once each week for two consecutive weeks, the last publication to be not less than

five days before such hearing date. The commission may order the applicant to publish such notice and submit an affidavit of publication, evidencing the dates of publication and the newspapers in which the notice appeared, to the commission prior to the hearing. Written notice by certified mail of such hearing and a copy of the application shall be served not less than 20 days prior to the hearing date upon all landowners described in ~~subsection (a)(2) of~~ K.S.A. 66-1,178, and amendments thereto, as shown by the application.

Sec. 5. K.S.A. 66-1,180 is hereby amended to read as follows: 66-1,180. All hearings conducted pursuant to this act shall be in accordance with the provisions of the Kansas administrative procedure act. All such hearings shall be completed within 30 days after the commencement thereof, unless the electric utility requests a continuance of any such hearing. All costs of any hearing pursuant to this act shall be taxed against the electric utility. The commission shall make its decision with respect to the necessity for and the reasonableness of the location of the proposed electric transmission line or urban electric transmission line, taking into consideration: (a) The benefit to both consumers in Kansas and consumers outside the state ~~and;~~ (b) the economic development benefits in Kansas; and (c) the local aesthetics, location, environment and population density. The commission shall issue or withhold the permit applied for and may condition such permit as the commission may deem just and reasonable and as may, in its judgment, best protect the rights of all interested parties and those of the general public.

Sec. 6. K.S.A. 66-1,183 is hereby amended to read as follows: 66-1,183. It shall be the duty of every electric utility which constructs an electric transmission line or an urban electric transmission line to restore the land upon which such line is constructed to its condition which existed prior to such construction.

Sec. 7. K.S.A. 66-1,177, 66-1,178, 66-1,179, 66-1,180 and 66-1,183 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the first semicolon by inserting "relating to the state corporation commission; siting of electric transmission lines, notice and hearing; legislative coordinating council;"; by striking line 2; in line 3, by striking "commission" and inserting "amending K.S.A. 66-1,177, 66-1,178, 66-1,179, 66-1,180 and 66-1,183 and repealing the existing sections"

_____District.