

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2321

As Amended by House Committee on Energy,
Utilities and Telecommunications

Brief*

HB 2321 would require certain electric utilities to take steps before exercising eminent domain to acquire an interest in land related to the construction of an “urban electric transmission line,” as defined by the bill, or before beginning work on such land.

Electric utilities would be required to:

- Provide notice to the city in which the project is proposed at least six months prior to construction with preliminary plans including the locations and dimensions of equipment to be installed relative to existing infrastructure, with visual examples;
- Conduct an open house in such city that:
 - Allows affected landowners to provide public comment;
 - Is attended by a commissioner and a staff person of the Kansas Corporation Commission (KCC);
 - Is held on a weekend day or after 5:00 pm on a weekday;
- Provide notice of the proposed construction and open house to:

*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>

- All landowners and tenants of property within 660 feet of proposed improvements;
- The governing body of the city and its infrastructure planning authority;
- The KCC;
- Publish notice of the time, place, and subject of the open house in a local newspaper; and
- Obtain any required permits.

For the purposes of the bill, “urban electric transmission line” would mean any line or line extension that:

- Is at least 2.5 miles in length;
- Traverses at least 2.5 contiguous miles through a city of at least 300,000 people; and
- Is designed to transfer at least 69, but less than 230, kilovolts of electricity.

[*Note:* As defined, “urban electric transmission line” would currently only include prospective transmission lines in Wichita and would not apply to lines regulated by the KCC.]

“Electric utility,” as defined by the bill, would not include municipal utilities, electric cooperatives, or their subsidiaries.

Provisions of the bill would not apply to construction or repair required due to physical damage.

Background

The bill was introduced by the Committee on Energy, Utilities and Telecommunications at the request of Representatives Ellis and Finney.

Committee on Energy, Utilities and Telecommunications

In the House Committee hearing, **proponent** testimony was provided by Representative Finney, the Vice Mayor of Wichita, a representative of the Kansas State National Association for the Advancement of Colored People (NAACP), and a resident of Wichita. Written-only proponent testimony was provided by a citizen of Lawrence and representatives of the Citizens' Utility Ratepayer Board and the Lawrence Branch NAACP. Proponents noted the bill would give citizens a voice in the transmission line construction process.

Neutral testimony was provided by representatives of Evergy and the KCC, who noted the bill would not substantially change the processes currently in place for addressing community concerns. Written-only neutral testimony was provided by a representative of the Kansas Electric Cooperatives.

No other testimony was provided.

The House Committee amended the bill to:

- Require holding and providing notice of an open house;
- Clarify the definition of "electric utility"; and
- Remove a provision authorizing a city with a population of 300,000 or more to exercise jurisdiction over proposed urban electric transmission line projects.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KCC notes enactment of the bill would not result in additional

expenditures for the agency, although the bill would have a negligible fiscal effect on the cities of Kansas, as noted by the League of Kansas Municipalities.

Electric utilities; urban electric transmission lines