

HOUSE BILL No. 2294

By Committee on Taxation

2-5

AN ACT concerning certain electric transmission lines; amending K.S.A. 66-1,177 and K.S.A. 2000 Supp. 66-1,178 and 66-1,182 and repealing the existing sections.

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

Section 1. 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, *and amendments thereto*, which 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:

(1) Any line or extension of a line which is at least five (5) miles in length and which is used for the bulk transfer of ~~two hundred thirty (230)~~ 230 kilovolts or more of electricity; *or*

(2) *any line or extension of a line for the transfer of electricity, regardless of kilovolt capacity, which is at least 1/4 mile in length and is located within a city of the first class.*

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

Sec. 2. K.S.A. 2000 Supp. 66-1,178 is hereby amended to read as follows: 66-1,178. (a) No electric utility may begin site preparation for or construction *or relocation* of an electric transmission line, or exercise the right of eminent domain to acquire any interest in land in connection with the site preparation for a construction *or relocation* of any such line without first acquiring a siting permit from the commission. Whenever any electric utility desires to obtain such a permit, the utility shall file an application with the commission setting forth therein that the utility proposes to construct *or relocate* an electric transmission line and specifying:

(1) The proposed location *or relocation* thereof;

(2) 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 relocation* or is located within 660 feet of the center line of the easement where the line is proposed to be located *or relocated*; and

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

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

10 (c) The commission may conduct an evidentiary hearing on an ap-
11 plication filed pursuant to this section at such time and place as the com-
12 mission deems appropriate.

13 (d) The commission shall issue a final order on the application within
14 120 days after the date the application was filed.

15 Sec. 3. K.S.A. 2000 Supp. 66-1,182 is hereby amended to read as
16 follows: 66-1,182. (a) The provisions of this act shall not apply to:

17 (1) That portion of any electric transmission line to be constructed
18 *or relocated* on an easement where there currently exists one or more
19 electric transmission lines if the easement is not within the corporate
20 limits of any city;

21 (2) that portion of any electric transmission line to be constructed *or*
22 *relocated* on property adjacent to right-of-way along a four-lane controlled
23 access highway, as defined in K.S.A. 8-1410, and amendments thereto;
24 ~~or~~

25 (3) any electric utility which complies with the provisions of the na-
26 tional environmental policy act of 1969 with regard to the siting of electric
27 transmission lines; *or*

28 (4) *in the case of an electric transmission line described in subsection*
29 *(b)(2) of K.S.A. 66-1,177, and amendments thereto, any utility which ei-*
30 *ther: (A) Obtains from the city where the proposed line is to be located*
31 *or relocated a special use permit, variance, waiver or other approval*
32 *which is required by ordinance of such city and for which public notice*
33 *and hearing is required by ordinance before such permit, variance, waiver*
34 *or other approval may be granted by the city; or(B) if the city has not*
35 *adopted any ordinance described in (A), buries the electric transmission*
36 *line.*

37 (b) No city or county shall have jurisdiction or control over the siting
38 or construction of any electric transmission line exempted from the pro-
39 visions of this act by subsection (a) (1), (2) or (3).

40 (c) No environmental study shall be required for construction *or re-*
41 *location* of an electric transmission line on right-of-way where there cur-
42 rently exists one or more electric transmission lines.

43 Sec. 4. K.S.A. 66-1,177 and K.S.A. 2000 Supp. 66-1,178 and 66-1,182

1 are hereby repealed.

2 Sec. 5. This act shall take effect and be in force from and after its
3 publication in the Kansas register.

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