

HOUSE BILL No. 2412

By Committee on Appropriations

4-4

1 AN ACT concerning utilities; relating to the construction of electric
2 transmission lines; concerning the issuance of certificates of public
3 convenience; amending K.S.A. 2012 Supp. 66-131 and repealing the
4 existing section.
5

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

7 New Section 1. (a) No electric utility shall begin construction of a
8 new electric transmission line in this state without first having obtained a
9 certificate of public convenience as required in K.S.A. 66-131, and
10 amendments thereto, and the approval of such proposed electric
11 transmission line by the state finance council, acting on this matter which
12 is hereby characterized as a matter of legislative delegation and subject to
13 the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and
14 amendments thereto, or an act of the Kansas legislature.

15 (b) For the purposes of this section: (1) "Electric transmission line"
16 has the meaning provided in K.S.A. 66-1,177, and amendments thereto;
17 and

18 (2) "electric utility" has the meaning provided in K.S.A. 66-1,177,
19 and amendments thereto.

20 Sec. 2. K.S.A. 2012 Supp. 66-131 is hereby amended to read as
21 follows: 66-131. (a) *Subject to the provisions of section 1, and*
22 *amendments thereto*, no common carrier or public utility, including that
23 portion of any municipally owned utility defined as a public utility by
24 K.S.A. 66-104, *and amendments thereto*, governed by the provisions of
25 this act shall transact business in the state of Kansas until it shall have
26 obtained a certificate from the corporation commission that public
27 convenience will be promoted by the transaction of ~~said~~ *such* business and
28 permitting ~~said~~ *such* applicants to transact the business of a common
29 carrier or public utility in this state. In no event shall such jurisdiction
30 authorize the corporation commission to review, consider or effect the
31 facilities or rates charged for services or in any way the operation of such
32 municipally owned or operated electric or gas utility within the corporate
33 limits or outside but within three miles of the corporate limits of any city,
34 or facilities, or rates charged for services or in any way the operation of
35 facilities or their replacements now owned by any such utility. No
36 prescribed rates, orders or other regulatory supervision of the corporation

1 commission shall be contrary to any lawful provision of any revenue bond
2 ordinance authorizing the issuance of revenue bonds to finance all or any
3 part of the municipally owned or operated electric or gas utility so
4 subjected to the jurisdiction of the corporation commission. This section
5 shall not apply to any common carrier or public utility governed by the
6 provisions of this act now transacting business in this state, nor shall this
7 section apply to the facilities and operations of any municipally owned or
8 operated utility supplying electricity or gas outside of the corporate limits
9 of any municipality where such facilities and operations are in existence
10 on the effective date of this act, but any extension of such facilities or any
11 new facilities located outside of and more than three miles from the
12 municipality's corporate limits, shall be subject to the requirements of this
13 section, nor shall this section apply to any municipally owned or operated
14 electric or gas utility furnishing electricity or gas to a facility owned or
15 jointly owned by such municipality and located outside the corporate
16 limits of such municipality.

17 (b) The commission shall issue a decision on a common carrier or
18 public utility's application for a certificate of public convenience within
19 180 days of receiving the application. Nothing in this subsection shall
20 preclude an applicant and the commission from agreeing to a waiver or an
21 extension of the 180-day period.

22 Sec. 3. K.S.A. 2012 Supp. 66-131 is hereby repealed.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.