

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2321

By Representatives Finney and Ellis

2-10

1 AN ACT concerning electric utilities; relating to the state corporation
2 commission; construction of urban electric transmission lines in cities;
3 requiring notice prior to construction.
4

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

6 Section 1. (a) No electric utility shall begin site preparation for or
7 construction of an urban electric transmission line or exercise the right of
8 eminent domain to acquire any interest in land in connection with the site
9 preparation or construction of any such line before such utility has:

10 (1) Provided notice of the preliminary construction plans to the city in
11 which such urban electric transmission line is proposed to be constructed,
12 and the notice shall:

13 (A) Be provided at least six months prior to any anticipated
14 construction; and

15 (B) provide the preliminary construction plans and show the proposed
16 location of all poles and shall provide the dimensions of all poles and
17 supporting facilities relative to existing streets, sight triangles at
18 intersections, easements and public rights-of-way and visual examples;
19 and

20 (2) **provided notice of the proposed construction and of the open
21 house required pursuant to paragraph (4) to:**

22 (A) **All landowners and tenants of record whose land or interest
23 therein is proposed to be acquired in connection with the construction
24 of or is located within 660 feet of the center line of the easement where
25 such line is proposed to be located;**

26 (B) **the governing body of the city through which such line is
27 proposed to traverse; and**

28 (C) **the state corporation commission;**

29 (3) **at least one week prior to such open house, published notice of
30 the time, place and subject matter of the open house in a newspaper
31 having general circulation in the city through which such line is
32 proposed to traverse;**

33 (4) **conducted an open house in the city through which such line is
34 proposed to traverse that:**

35 (A) **Allows landowners who received notice of the open house to
36 provide public comment regarding the proposed construction;**

1 **(B) has a commissioner and a staff person of the state corporation**
2 **commission in attendance at such open house; and**

3 **(C) is held either on a weekend day or after 5:00 p.m. on a**
4 **weekday; and**

5 **(5) obtained any necessary permits required by the city for**
6 **construction or work conducted in the public right-of-way.**

7 (b) The provisions of this section shall not apply to construction or
8 repair of an urban electric transmission line that is necessary due to
9 damage caused by any storm, natural disaster or any other source of
10 physical damage to the line.

11 (c) All information required to be provided pursuant to this section
12 shall be provided to the infrastructure planning authority of the city in
13 which the urban electric transmission line is proposed to be constructed.

14 ~~(d) Notwithstanding the provisions of any other law, except as~~
15 ~~provided in subsection (b), the governing body of any city having a~~
16 ~~population of 300,000 or more shall have authority to exercise zoning or~~
17 ~~siting jurisdiction, authority or control over the construction of an urban~~
18 ~~electric transmission line.~~

19 (e) For purposes of this section:

20 (1) "Electric utility" means any electric utility as defined in K.S.A.
21 66-101a, and amendments thereto. "Electric utility" does not mean any
22 municipal utility~~or~~, electric cooperative as defined in K.S.A. 66-104d, and
23 amendments thereto, **or any electric utility owned by one or more of**
24 **such cooperatives.**

25 (2) "Urban electric transmission line" means any line or extension of
26 a line that:

27 (A) Is at least 2½ miles in length;

28 (B) traverses at least 2½ contiguous miles through the corporate
29 limits of a city having a population of 300,000 or more; and

30 (C) is designed for the transfer of at least 69 kilovolts but less than
31 230 kilovolts of electricity.

32 Sec. 2. This act shall take effect and be in force from and after its
33 publication in the statute book.