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**Written Only Neutral Testimony
HB 2321– Urban Electric Transmission Lines**

**House Committee on Energy, Utilities and Telecommunications
February 18, 2021**

**Provided by Leslie Kaufman, Vice President of Government Relations & Legal Counsel
Kansas Electric Cooperatives, Inc.**

Chairman Seiwert and members of the House Committee on Energy, Utilities and Telecommunications, thank you for the opportunity to offer neutral comments with a suggested amendment on HB 2321. I am Leslie Kaufman, Vice President of Government Relations & Legal Counsel

KEC is the Kansas statewide service organization for 27 electric distribution cooperatives and three generation and transmission cooperatives. KEC represents the interests of, and provides needed services and programs to, the electric co-ops that serve Kansans. Our major programming areas include advocacy, education, and communications. Cooperatives provide electric service to consumer-owners spread over nearly 80 percent of Kansas in 103 of 105 counties.

KEC is neutral on the underlying bill. We appreciate the efforts the bill's sponsors have taken to remove cooperatives from the purview of this proposed legislation and to limit the bill's application to cities of 300,000 or more.

We would respectfully offer an amendment which we hope the sponsors of the bill and this committee will consider a friendly. We have attached a red-line balloon of the language we would appreciate being added to this measure.

There is one not-for-profit electric utility in Kansas that is wholly owned by an electric cooperative. We would like to see that entity included in the definition of "cooperative" under this bill. Many on the committee may remember seeing this same language in bills which were considered last year.

We thank you, again, for the opportunity to comment. If you have any questions for us, please feel free to contact us.

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

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

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

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

34 (e) For purposes of this section:

35 (1) "Electric utility" means any electric utility as defined in K.S.A.
36 66-101a, and amendments thereto. "Electric utility" does not mean any

1 municipal utility or electric cooperative as defined in K.S.A. 66-104d, and
2 amendments thereto, or any electric utility owned by one or more such
3 cooperatives.

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

6 (A) Is at least 2½ miles in length;

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

9 (C) is designed for the transfer of at least 69 kilovolts but less than
10 230 kilovolts of electricity.

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