

HOUSE BILL No. 2097

By Committee on Energy and Environment

1-24

1 AN ACT concerning the Kansas electric transmission authority; relating to
2 the composition of the board of directors; amending K.S.A. 2012 Supp.
3 74-99d03 and 74-99d04 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2012 Supp. 74-99d03 is hereby amended to read as
7 follows: 74-99d03. (a) There is hereby created a body politic and corporate
8 to be known as the Kansas electric transmission authority. The authority is
9 hereby constituted a public instrumentality and the exercise by the
10 authority of the powers conferred by this act in the construction, operation
11 and maintenance of electric transmission projects shall be deemed and
12 held to be the performance of an essential governmental function.

13 (b) (1) The authority shall be governed by a board of directors
14 consisting of ~~seven~~ nine members.

15 (2) ~~Three~~ Five members shall be appointed by the governor, subject
16 to confirmation by the senate as provided by K.S.A. 75-4315b, and
17 amendments thereto. Except as provided by K.S.A. 46-2601, and
18 amendments thereto, no person appointed to the board shall exercise any
19 power, duty or function as a member of the board until confirmed by the
20 senate. The terms of members first appointed to the board shall be as
21 follows: ~~One shall be appointed for terms expiring the second March 15~~
22 ~~following appointment;~~ One for a term expiring the third March 15
23 following appointment and one for ~~terms~~ a term expiring the fourth March
24 15 following appointment. Thereafter, members shall be appointed for
25 terms of four years and until their successors are appointed and confirmed.
26 All persons appointed by the governor and serving as members shall be
27 qualified voters of the state of Kansas with special knowledge, as
28 evidenced by college degrees or courses, or with at least five years'
29 experience in managerial positions, in the field of electric transmission or
30 generation development. *Additionally, at least two persons appointed by*
31 *the governor shall have specialized knowledge of the southwest power*
32 *pool and not be employed by or serve on the board of a utility.* Not more
33 than ~~two~~ three of the members appointed by the governor shall be
34 members of the same political party. A person appointed by the governor
35 to fill a vacancy on the board shall be appointed to serve for the unexpired
36 term. A member appointed to the board by the governor shall be eligible

1 for reappointment. A member of the board appointed by the governor may
2 be removed by the governor for misfeasance, malfeasance or willful
3 neglect of duty, but only after reasonable notice and a public hearing
4 conducted in accordance with the provisions of the Kansas administrative
5 procedure act.

6 (3) The following shall be ex officio of the board: The chairperson
7 and ranking minority member of the senate standing committee on utilities
8 or its successor and the chairperson and ranking minority member of the
9 house standing committee on utilities or its successor. Members ex officio
10 shall be entitled to vote and participate as full members of the board.

11 (c) Each member of the board, before entering upon the member's
12 duties, shall take and subscribe an oath or affirmation as required by law.

13 (d) Members of the board attending meetings of the board, or
14 attending a subcommittee meeting thereof authorized by the board, shall
15 be paid compensation, subsistence allowances, mileage and other expenses
16 as provided in K.S.A. 75-3223, and amendments thereto.

17 Sec. 2. K.S.A. 2012 Supp. 74-99d04 is hereby amended to read as
18 follows: 74-99d04. (a) The board shall elect annually from among its
19 members a chairperson, vice-chairperson and secretary. ~~Four~~ Five
20 members of the board shall constitute a quorum and the affirmative vote of
21 ~~four~~ five members shall be necessary for any action taken by the board. No
22 vacancy in the membership of the board shall impair the right of a quorum
23 to exercise all the rights and perform all the duties of the board.

24 (b) Notwithstanding any provision of K.S.A. 75-4317 et seq., and
25 amendments thereto, in the case of the authority, discussion, consideration
26 and action on any of the following may occur in executive session when in
27 the opinion of the board disclosure of the items would be harmful to the
28 competitive position of third parties or to the security of transmission
29 facilities:

30 (1) Proprietary information gathered by or in the possession of the
31 authority from third parties pursuant to a promise of confidentiality;

32 (2) information regarding the location of transmission facilities and
33 security measures that protect such facilities; or

34 (3) information which is related to transmission capacity or
35 availability and is not otherwise available to all electric energy market
36 participants.

37 (c) Notwithstanding any provision of this section to the contrary, the
38 authority may claim the benefit of any other exemption to the Kansas open
39 meetings act listed in K.S.A. 75-4317 et seq., and amendments thereto.

40 Sec. 3. K.S.A. 2012 Supp. 74-99d03 and 74-99d04 are hereby
41 repealed.

42 Sec. 4. This act shall take effect and be in force from and after its
43 publication in the Kansas register.