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4 **Substitute for HOUSE BILL No. 2244**

5  
6 By Committee on Utilities

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8 2-9

9  
10 AN ACT concerning energy resources; enacting the state energy re-  
11 sources coordination act; establishing the Kansas energy resources co-  
12 ordinating council; providing for a comprehensive state plan for co-  
13 ordination of the management, conservation and development of  
14 energy resources.

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

17 Section 1. This act may be cited as the state energy resources coor-  
18 dination act.

19 Sec. 2. (a) There is hereby established, the Kansas energy resources  
20 coordinating council. The council shall be composed of:

21 (1) The following members appointed by the governor: (A) An energy  
22 economist on the faculty of a state educational institution under the su-  
23 pervision of the state board of regents [**or on the faculty of a municipal**  
24 **university in this state**]; (B) a representative of oil producers; (C) a  
25 representative of natural gas producers; (D) a representative of investor-  
26 owned generators of electricity; (E) a representative of rural electric co-  
27 operatives; (F) [**a representative of municipally owned or operated**  
28 **electric utilities**; (G)] a representative of generators of electricity from  
29 renewable energy resources; and ~~(G)~~ [(H)] three energy consumers;

30 (2) the chairperson, vice-chairperson and ranking minority member  
31 of the house and senate standing committees on utilities;

32 (3) the secretary of commerce and housing or the secretary's  
33 designee;

34 (4) the secretary of administration or the secretary's designee;

35 (5) the state geologist or the state geologist's designee;

36 (6) the chairperson of the state corporation commission or the chair-  
37 person's designee; and

38 (7) the consumer counsel of the citizens' utility ratepayer board or  
39 the consumer counsel's designee.

40 (b) Of the members of the council first appointed by the governor,  
41 the governor shall designate four to serve terms of four years and four to  
42 serve terms of two years. Thereafter, such members shall serve for terms  
43 of four years. Any vacancy in the term of a member appointed by the

1 governor shall be filled for the remainder of the unexpired term by the  
2 governor's appointment of a person with the same qualifications. Mem-  
3 bers of the council designated in subsections (a)(2) through (a)(7) shall  
4 serve *ex officio* and shall be voting members of the council.

5 (c) In odd-numbered years the chairperson of the house standing  
6 committee on utilities shall be the chairperson of the council and the  
7 chairperson of the senate standing committee on utilities shall be vice-  
8 chairperson of the council. In even-numbered years the chairperson of  
9 the council shall be the chairperson of the senate standing committee on  
10 utilities and the chairperson of the house standing committee on utilities  
11 shall be the vice-chairperson of the council.

12 (d) Members of the council specified in subsections (a)(1) and (a)(2)  
13 shall receive compensation, subsistence allowances, mileage and other  
14 expenses as provided in K.S.A. 75-3223, and amendments thereto.

15 (e) The council shall hold regular meetings, not less than one in each  
16 calendar quarter year, and it may hold such other meetings as in its judg-  
17 ment may be necessary for the performance of its duties. The council  
18 may hold its meetings, regular and otherwise, at such times and at such  
19 places within the state as the council determines appropriate.

20 (f) Within the limits of appropriations therefor, the council may em-  
21 ploy such staff as the council deems necessary to carry out the council's  
22 duties. The state corporation commission shall provide such technical and  
23 clerical staff assistance as may be requested by the council in the admin-  
24 istration of the provisions of this act.

25 (g) The staff of the office of revisor of statutes, the legislative research  
26 department and the division of legislative administrative services shall  
27 provide such assistance as may be requested by the legislator members  
28 of the council in carrying out their duties as members of the council.

29 (h) All budgeting, purchasing and related management functions of  
30 the council shall be administered under the direction and supervision of  
31 the council. All vouchers for expenditures from appropriations made for  
32 the use of the council shall be approved by the chairperson of the council  
33 or by a person or persons designated by the council for such purpose.

34 (i) The council may appoint citizens' advisory committees to study  
35 and advise on any subjects upon which the council is required or author-  
36 ized by this act to study or make recommendations.

37 (j) The provisions of the Kansas governmental operations accounta-  
38 bility law apply to the council, and the council is subject to audit, review  
39 and evaluation under such law.

40 Sec. 3. (a) The Kansas energy resources coordinating council shall  
41 collect and compile information pertaining to the use of energy in the  
42 state and the availability of energy supplies in the state and formulate on  
43 a continuing basis a comprehensive state plan for coordination of the

1 management, conservation and development of energy resources. Such  
2 state plan shall include sections corresponding with energy resources co-  
3 ordination areas as determined by the council. The council shall seek  
4 advice from the general public and from committees consisting of indi-  
5 viduals with knowledge of and interest in energy resource coordination  
6 issues. The plan shall set forth the recommendations of the council for  
7 coordination of the management, conservation and development of en-  
8 ergy resources as necessary or desirable in the judgment of the council.  
9 The plan shall be formulated and used for the general purpose of accom-  
10 plishing the coordinated management, conservation and development of  
11 energy resources. The state corporation commission, state geological sur-  
12 vey, department of commerce and housing, department of administration  
13 and all other interested state agencies shall cooperate with the council in  
14 formulation of such plan.

15 (b) In developing the state plan for coordination of management, con-  
16 servation and development of energy resources, the council shall coop-  
17 erate with any agency or instrumentality of the state or federal govern-  
18 ment now or hereafter engaged in the development of or having  
19 developed any plan of energy resources management, conservation and  
20 development for the state.

21 (c) The council shall recommend guidelines as to when an energy  
22 resources emergency exists in the state and, when the council determines  
23 that such emergency exists, recommend that the governor proclaim an  
24 energy resources emergency exists and assemble an energy resources  
25 emergency response team.

26 (d) Upon request of the governor or legislature, the council shall re-  
27 view, evaluate and make recommendations regarding any state agency's  
28 budget estimate pertaining to energy resources and any plans or programs  
29 related thereto.

30 Sec. 4. The Kansas energy resources coordinating council annually  
31 shall submit to the legislature and to the governor an updated state plan  
32 for coordination of the management, conservation and development of  
33 energy resources. The updated plan shall contain any recommendations  
34 which the council deems necessary to achieve coordination of the man-  
35 agement, conservation and development of energy resources.

36 Sec. 5. In formulating the plan for coordination of the management,  
37 conservation and development of energy resources, the Kansas energy  
38 resources coordinating council shall consider:

39 (a) Management, conservation and development of energy resources  
40 for the benefit of the state as a whole;

41 (b) energy development policies consistent, whenever possible, with  
42 the beneficial development of other natural resources;

43 (c) the public health and general welfare of the people of the state;

1 and

2 (d) such other matters as the council deems proper or desirable.

3 Sec. 6. The state corporation commission, the state geological sur-  
4 vey, the department of commerce and housing, the department of ad-  
5 ministration and all other state and local agencies shall cooperate with  
6 and shall make available to the Kansas energy resources coordinating  
7 council all nonproprietary, nonconfidential facts, records, information and  
8 data requested by the council and shall in all ways cooperate with the  
9 council in carrying out the duties imposed by this act.

10 Sec. 7. This act shall be construed liberally to effectuate the purposes  
11 hereof, and the enumeration of specific powers in this act shall not op-  
12 erate to restrict the meaning of any general grant of power contained in  
13 this act or to exclude other powers comprehended in such general grant.

14 Sec. 8. If any provisions of this act or its application to any person or  
15 circumstances is held invalid, the invalidity does not affect other provi-  
16 sions or applications of the act that can be given effect without the invalid  
17 provisions or application. To this end the provisions of this act are  
18 severable.

19 Sec. 9. This act shall take effect and be in force from and after its  
20 publication in the Kansas register.

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