

CHAPTER 65

SENATE BILL No. 326

AN ACT concerning the state corporation commission; relating to certain powers and duties related to emergency management; amending K.S.A. 74-616, 74-619 and 74-620 and repealing the existing sections; also repealing K.S.A. 74-618.

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

Section 1. K.S.A. 74-616 is hereby amended to read as follows: 74-616. In addition to other powers and duties provided by law, in administering the provisions of this act the state corporation commission shall:

(a) Adopt rules and regulations necessary for the administration of this act;

(b) develop a comprehensive state energy conservation plan and the procedures for implementing the plan according to federal requirements;

(c) make requests for and accept funds and other assistance from federal agencies for energy conservation and other energy-related activities in this state, including, but not limited to, the state energy conservation program, the energy extension service program and the institutional building conservation program;

(d) administer federal energy conservation programs in this state;

(e) ~~collect and compile necessary data on energy resources and monitor energy resources supplies in this state;~~

~~(f) prepare an energy resources emergency management plan for adoption natural gas and electric energy to be adopted during any energy resources emergency proclaimed to exist by the governor under K.S.A. 74-619, and amendments thereto; activation of emergency support function 12 of the Kansas response plan established under K.S.A. 48-920 et seq., and amendments thereto, which plan shall include the system of priorities for natural gas and electric energy resources allocation and curtailment of energy resources consumption established under K.S.A. 74-620, and amendments thereto;~~

~~(g) cooperate in the implementation of any emergency energy rationing program which may be imposed by the federal government or any agency thereof;~~

~~(h) prepare and have available for public inspection an annual report which describes the energy resources emergency management program; and~~

~~(i) make and enter into all contracts and agreements and do all other acts and things necessary or incidental to the performance of functions and duties and the execution of powers under this act.~~

Sec. 2. K.S.A. 74-619 is hereby amended to read as follows: 74-619.

(a) *Except as provided for in K.S.A. 48-924, and amendments thereto,* whenever it appears from an evaluation of conditions in the state by the governor that the supply of *natural gas and electric energy resources* is inadequate to meet the demand for such energy resources in the state or any geographic areas of the state and that the public health, safety and welfare are threatened thereby, the governor may proclaim that ~~an energy resources~~ *a state of disaster* emergency exists ~~within the state with regard to one or more types of energy resources,~~ subject to approval by the state finance council, by the affirmative vote of the governor and of six legislator members of the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given when the legislature is in session.

~~(b) The energy resources emergency proclamation of the governor shall recite the governor's findings, shall declare that an energy resources emergency exists, shall specify the area of the state in which such energy resources emergency exists and the one or more energy resources to which such energy resources emergency applies, and shall specify the period of time during which a system of priorities for the allocation of available energy resources or the curtailment of consumption of such energy resources, or both, may be imposed. Such period of time may be extended or reduced after a reevaluation of conditions within the state and a further proclamation of findings by the governor which require such extension or reduction pursuant to K.S.A. 48-924, and amendments thereto.~~

Sec. 3. K.S.A. 74-620 is hereby amended to read as follows: 74-620. The state corporation commission shall adopt rules and regulations establishing a system of priorities for the allocation of available *natural gas and electric energy resources* or for the curtailment of the consumption of such *natural gas and electric energy resources*, or both, during ~~any energy resources emergency~~ *an activation of emergency support function 12 of the Kansas response plan* proclaimed by the governor pursuant to K.S.A. ~~74-619~~ *48-920 et seq., and amendments thereto*. Such rules and regulations shall apply to all suppliers and consumers of *natural gas and electric energy resources*.

Sec. 4. K.S.A. 74-616, 74-618, 74-619 and 74-620 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 28, 2007.

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