

HOUSE BILL No. 2107

By Committee on Energy, Utilities and Telecommunications

Requested by Laura Lutz on behalf of Evergy

1-28

1 AN ACT concerning utilities; relating to liability for fire event damages;
2 providing for claims and recovery for ~~economic~~ damages; ~~calculating~~
3 ~~recovery for such~~ **limiting recovery of punitive** damages; requiring the
4 state corporation commission to ~~provide trainings~~ **convene a workshop**
5 on wildfire risk and mitigation **and authorizing the commission to**
6 **open a general investigation or convene additional workshops to**
7 **further assess wildfire risk and mitigation.**
8

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

10 New Section 1. (a) As used in this section ~~and section 2, and~~
11 ~~amendments thereto:~~

12 (1) "Commission" means the state corporation commission.

13 (2) "Electric public utility" means a public utility as defined in K.S.A.
14 66-104, and amendments thereto, that is engaged in the generation,
15 transmission or distribution of electricity.

16 (3) "Fire claim" means any claim, whether based on negligence,
17 nuisance, trespass or any other claim for relief, brought by a person against
18 an electric public utility in a civil action to recover for damages resulting
19 from a fire event.

20 (4) "Fire event" means an uncontrolled or unplanned fire in the state
21 alleged to have been caused by an electric public utility.

22 (b) A fire claim shall be brought within two years of the date of the
23 ~~ignition of~~ **damage from** the fire event that is the subject of such claim.

24 (c) ~~Subject to subsection (d) and (e),~~ After an injured plaintiff
25 establishes by a preponderance of evidence that a loss was due to a fire
26 event caused by an electric public utility's conduct, such plaintiff bringing
27 a fire claim under this section may recover economic ~~losses~~ **and**
28 **noneconomic damages** to compensate for ~~damage to property~~ **any such**
29 **loss.**

30 (d) ~~An award for damages to real property resulting from a fire event~~
31 ~~recoverable under subsection (c), shall be the lesser of:~~

32 (1) ~~The cost to restore the property to the condition of such property~~
33 ~~immediately before the fire event; or~~

1 ~~(2) the difference between:~~

2 ~~(A) The fair market value of the property immediately before the fire~~
3 ~~event; or~~

4 ~~(B) the fair market value of the property immediately after the fire~~
5 ~~event.~~

6 ~~(e) Pursuant to K.S.A.—60-3701(e)~~ **60-3702(e), and amendments**
7 **thereto**, punitive damages awarded under a fire claim brought ~~under~~
8 ~~subsection (e)~~ **pursuant to this section** shall not exceed \$5,000,000.

9 Sec. 2. **(a)** On or before July 31, 2026, the state corporation
10 commission shall ~~provide training opportunities~~ **convene a workshop** to
11 assess wildfire risk and mitigation. Such ~~trainings~~ **workshop** shall provide
12 **a forum for the presentation and discussion of** the following
13 information:

14 ~~(a)(1)~~ **(1)** General wildfire risks in the state;

15 ~~(b)(2)~~ **(2)** utility readiness to mitigate wildfire risks;

16 ~~(c)(3)~~ **(3)** risk mitigation strategies and approaches; and

17 ~~(d)(4)~~ **(4)** cost recovery treatment for wildfire mitigation costs, including
18 investments and expenses.

19 **(b) If determined necessary by the state corporation commission,**
20 **the commission may open a general investigation or convene additional**
21 **workshops to further assess utility wildfire risk and mitigation.**

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.