Session of 2021

SENATE BILL No. 24

By Committee on Utilities

1-13

1 AN ACT concerning municipalities; prohibiting any requirements that
2 impact a customer's use of energy; relating to public utilities; creating
3 the Kansas energy choice act.
4
5 *Be it enacted by the Legislature of the State of Kansas:*
6 Section 1. (a) As used in this section:
7 (1) "Municipality" means any county, city, township or other political
8 or taxing subdivision thereof, or any board, bureau, commission,
9 committee, department, division or other agency thereof.
10 (2) "Public utility" means any natural gas or electric public utility as
11 defined in K.S.A. 66-104, and amendments thereto.
12 (b) A municipality shall not impose any ordinance, resolution, code,
13 rule, provision, standard, permit, plan or any other binding action that
14 prohibits, discriminates against, restricts, limits, impairs, or has the effect
15 thereof, an end use customer's use of a public utility based upon the source
16 of energy to be delivered to such customer.
17 (c) This section shall be known and may be cited as the Kansas
18 energy choice act.
19 Sec. 2. This act shall take effect and be in force from and after its
20 publication in the statute book.

Margin annotations:

[or]

[of substantially restricting]

Nothing in this section shall be construed to:
(1) Affect the validity of a franchise agreement or contract ordinance with a public utility so long as the franchise agreement or contract ordinance was agreed to by the public utility;
(2) impair the right of any municipality to manage and control commercial or residential property in which such political subdivision has an ownership interest; and
(3) impair the right of any owner of privately-owned property to enter into a voluntary agreement with a municipality to agree to requirements that would prohibit or restrict, or have the effect of substantially restricting, an end use customer's use of a public utility in return for grants or incentives provided by the municipality to the owner of privately-owned property.

And redesignate subsections accordingly