

**HOUSE BILL No. 2736**

By Representatives Barth and Turk

2-7

1 AN ACT concerning energy; relating to reliability of electric generation  
2 facilities; providing guidelines for decommissioning of certain electric  
3 generation facilities; requiring a utility to replace a closed or  
4 decommissioned facility with an equivalent amount of reliable and  
5 readily dispatchable electric generation.  
6

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

8 Section 1. As used in sections 2 and 3, and amendments thereto:

9 (a) "Electric generation facility" means an electric generation facility  
10 that generates electricity primarily from the combustion of coal, natural  
11 gas or other fossil fuels and has a nameplate capacity greater than or equal  
12 to 100 megawatts;

13 (b) "electric public utility" means the same as defined in K.S.A. 66-  
14 101a, and amendments thereto, any cooperative as defined in K.S.A. 17-  
15 4603, and amendments thereto, or any municipally owned or operated  
16 electric utility;

17 (c) "readily dispatchable" means that the source of electric generation  
18 can be requested and produced for the power grid on demand of a power  
19 grid operator or according to market needs;

20 (d) "reliable" means having adequate electric generation capacity to  
21 safely deliver electric energy at a time that the utility customer demands in  
22 the quantity and with the quality and capacity to meet the state's growing  
23 demand while contributing to the regional and national energy supply; and

24 (e) "resilient" means having the ability to quickly and effectively  
25 respond to and recover from events that compromise grid reliability.

26 Sec. 2. (a) The Kansas legislature finds that:

27 (1) Affordable, reliable, resilient and dispatchable energy resources  
28 are important to the health, safety and welfare of the state's citizens; and

29 (2) the early retirement of an electric generation facility that provides  
30 affordable, reliable, resilient and dispatchable energy is a threat to the  
31 health, safety and welfare of the state's citizens.

32 (b) Prior to the closure or decommissioning of an existing electric  
33 generation facility in the state by an electric public utility, such electric  
34 public utility shall:

35 (1) Provide notice of the planned closure or decommissioning to the  
36 legislature; and

1       (2) secure and place on the electric grid an equal or greater amount of  
2 reliable and readily dispatchable electric generation as the electric  
3 generation facility that is being closed or decommissioned. The reliable  
4 and readily dispatchable electric generation shall be equal to or greater  
5 than the nameplate capacity of the existing electric generation facility and  
6 be certified as an equal or greater amount of reliable and readily  
7 dispatchable electric generation by the state corporation commission and  
8 the applicable regional reliability organization;

9       (3) ensure that adequate electric transmission lines are in place for  
10 operation of the new reliable and readily dispatchable electric generation;

11       (4) prioritize utilizing existing land, transmission lines and other  
12 infrastructure that currently supports and provides for generation or  
13 transmission; and

14       (5) avoid unnecessary disruption of land use and use of eminent  
15 domain.

16       Sec. 3. (a) An electric public utility shall not propose a project to  
17 retire or terminate the functionality of such utility's existing electric  
18 generation facility.

19       (b) An electric public utility that receives notice of any federal  
20 regulation or regional transmission organization directive that may result  
21 in the retirement of a utility's electric generation facility shall inform the  
22 attorney general of the regulation or directive within 30 days after the  
23 receipt of notice. The attorney general may take any action necessary to  
24 defend the interest of the state with respect to electric generation by the  
25 public electric utility, including filing an action in court or participating in  
26 administrative proceedings.

27       Sec. 4. This act shall take effect and be in force from and after its  
28 publication in the statute book.