

HOUSE BILL No. 2632

By Committee on Energy and Utilities

1-17

10 AN ACT concerning ~~the Kansas corporation commission, relating to util-~~
11 **ities; relating to certain permits; concerning certain** energy effi-
12 ciency, conservation and demand management programs; amending
13 K.S.A. ~~2007 Supp. 74-616 and repealing the existing section 65-3008~~
14 **and K.S.A. 2007 Supp. 74-616 and repealing the existing sections.**
15

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

17 **Section 1. K.S.A. 65-3008 is hereby amended to read as follows:**
18 **65-3008. (a) No person shall construct, own, operate, install, alter**
19 **or use any air contaminant emission stationary source which, in**
20 **accordance with rules and regulations, the secretary finds may**
21 **cause or contribute to air pollution, unless an appropriate approval**
22 **or permit has been issued for the source by the secretary under this**
23 **act. Approvals or permits issued by the secretary may be subject to**
24 **conditions consistent with the purposes of this act and rules and**
25 **regulations promulgated under this act.**

26 **(b) The secretary shall require that applications for approvals**
27 **and permits, and renewals thereof, under this act shall be accom-**
28 **panied by application fees and such plans, specifications, compli-**
29 **ance plans or other information as the secretary deems necessary.**
30 **Applications shall be submitted on forms provided by the secretary**
31 **and shall be signed by a responsible official of the source, who shall**
32 **certify the accuracy of the information submitted.**

33 **(c) The issuance or holding of an approval or permit shall not**
34 **convey any property right or exclusive privilege to the holder**
35 **thereof.**

36 **(d) Without any further action on the part of the secretary, an**
37 **approval or a permit shall become void and without effect on its**
38 **expiration date unless a completed application form and any re-**
39 **quired fee are filed with the secretary on or before the expiration**
40 **date of the approval or the permit. For purposes of this subsection,**
41 **the secretary may specify by rule and regulation an amount of time**
42 **prior to the expiration date of an operating permit by which a com-**
43 **plete application form and any required fee must be filed with the**

1 *secretary in order to be considered timely filed. The secretary may*
2 *provide for a grace period by rule and regulation.*

3 *(e) The secretary may issue by rule and regulation a general*
4 *approval or permit covering numerous similar sources. Any general*
5 *approval or permit shall comply with all requirements applicable*
6 *to approvals or permits under this act. Any source covered by a*
7 *general approval or permit must apply to the secretary and receive*
8 *authority to operate under the general approval or permit.*

9 *(f) The secretary may fix, charge and collect fees for approvals*
10 *and permits, and the renewal thereof, to cover all or any part of the*
11 *cost of administering the provisions of Kansas air quality act, other*
12 *than K.S.A. 65-3027. The secretary shall adopt rules and regula-*
13 *tions fixing such fees. The fees shall be deposited in the state treas-*
14 *ury and credited to the state general fund, except that if all or any*
15 *portion of the regulatory services for which a fee is collected under*
16 *this section is performed by a county, city-county or multicounty*
17 *health department, that portion of such fee which pertains to such*
18 *services, as determined by the secretary, shall be credited to the*
19 *local air quality control authority regulation services fund, which*
20 *is hereby created in the state treasury, and shall be paid from such*
21 *fund to such local air quality control authority.*

22 *(g) In considering an application for issuance or renewal of any per-*
23 *mit for an electric generating unit, other than a municipally owned or*
24 *operated unit, the secretary shall consider and apply the same standards*
25 *and criteria that the secretary considered in acting on the application for*
26 *a construction permit for a new pulverized coal electricity generating*
27 *facility to be constructed in Kansas having 1400 megawatts or more name-*
28 *plate capacity and co-located with an existing coal-fired electric gener-*
29 *ating unit in western Kansas that has greater than 325 megawatts name-*
30 *plate capacity. The provisions of this subsection shall not apply to nuclear*
31 *generation facilities.*

32 ~~Section 1.~~ **Sec. 2.** K.S.A. 2007 Supp. 74-616 is hereby amended to
33 read as follows: 74-616. In addition to other powers and duties provided
34 by law, in administering the provisions of this act the state corporation
35 commission shall:

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

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

40 (c) allow, at the option of the requesting utility, the capitalization and
41 addition to rate base of investments in and expenditures for commission
42 approved energy efficiency, conservation and demand management
43 programs;

1 (d) make requests for and accept funds and other assistance from
2 federal agencies for energy conservation and other energy-related activ-
3 ities in this state, including, but not limited to, the state energy program;
4 ~~(e)~~ (e) administer federal energy conservation programs in this state;
5 and
6 ~~(f)~~ (f) prepare an emergency management plan for natural gas and
7 electric energy to be adopted during activation of emergency support
8 function 12 of the Kansas response plan established under K.S.A. 48-920
9 et seq., and amendments thereto, which plan shall include the system of
10 priorities for natural gas and electric energy allocation and curtailment of
11 energy resources consumption established under K.S.A. 74-620, and
12 amendments thereto.
13 Sec. ~~2~~ **3**. K.S.A. ~~2007 Supp. 74-616 is~~ **65-3008 and K.S.A. 2007**
14 **Supp. 74-616 are** hereby repealed.
15 Sec. ~~3~~ **4**. This act shall take effect and be in force from and after its
16 publication in the ~~statute book~~ **Kansas register**.