

As Amended by House Committee

Session of 2025

HOUSE BILL No. 2107

By Committee on Energy, Utilities and Telecommunications

Requested by Laura Lutz on behalf of Evergy

1-28

AN ACT concerning utilities; relating to liability for fire event damages; providing for claims and recovery for economic damages; ~~calculating recovery for such~~ limiting recovery of punitive damages; requiring the state corporation commission to ~~provide trainings~~ convene a workshop on wildfire risk and mitigation.

and authorizing the commission to open a general investigation or convene additional workshops to further assess wildfire risk and mitigation.

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

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

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

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

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

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

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

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

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

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

(2) ~~the difference between-~~

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

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

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

(a)

4 Sec. 2. ~~On or before July 31, 2026, the state corporation commission~~
5 ~~shall provide training opportunities~~ **convene a workshop** to assess
6 wildfire risk and mitigation. Such ~~trainings~~ **workshop** shall provide a
7 **forum for the presentation and discussion** of the following information:

(1)

8 (a) General wildfire risks in the state;

(2)

9 (b) utility readiness to mitigate wildfire risks;

(3)

10 (c) risk mitigation strategies and approaches; and

(4)

11 (d) cost recovery treatment for wildfire mitigation costs, including
12 investments and expenses.

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

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