

February 27, 2026

The Honorable Leo Delperdang, Chairperson  
House Committee on Energy, Utilities and Telecommunications  
300 SW 10th Avenue, Room 582-N  
Topeka, Kansas 66612

Dear Representative Delperdang:

**SUBJECT: Fiscal Note for HB 2728 by House Committee on Energy, Utilities and Telecommunications**

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2728 is respectfully submitted to your committee.

HB 2728 would create the Kansas Energy Facility Siting and Permit Certainty Act to establish transparent, timely, and predictable uniform siting and permitting standards based on objective standards by the Kansas Corporation Commission (KCC) for energy facilities. The bill would require a certificate, permit, or an approval prior to construction of an energy facility. The bill would make certain definitions and establish timelines for local government actions regarding energy facility application and assign responsibility to the KCC to approve any county moratorium for more than 30 days in relation to an energy facility as defined in the bill. Any moratorium exceeding 30 days would require KCC approval following notice to the public and an opportunity for public comment with no moratorium, including extensions, to be effective for more than 120 days without specific authorization by KCC. For approval, the KCC would be required to review the work plan and timeline outlining specific actions to be taken during the moratorium. The KCC would be required to establish best practices for the development of uniform siting and permitting rules and regulation standards for Kansas. The bill would require energy facilities to establish a decommissioning plan and maintain financial assurance as a condition of any certificate, permit, or approval and allow any undue burden imposed by local requirements to be reviewed by the KCC. The bill would further outline certain expectations and disclosures for parties involved in the application and review process.

The KCC indicates that the enactment of the bill would increase expenditures by \$100,000 in FY 2026 for salary and benefits for 1.00 position to work with the Chief Engineer to establish

siting and permitting standards for Kansas. This 1.00 position would be ongoing. For FY 2027 and FY 2028, the KCC anticipates enactment of HB 2728 would increase expenditures between \$200,000 and \$300,000, with \$100,000 for salary and benefits for the 1.00 position and the remaining \$100,000 to \$200,000 for consulting costs associated with the standards and potentially also the review process. The KCC indicated that consulting costs would only be incurred if staff levels would not be sufficient to manage the anticipated workload increases. The KCC indicates that a precise amount would depend on the number of applications submitted. Any fiscal effect associated with HB 2728 is not reflected in *The FY 2027 Governor's Budget Report*.

The League of Kansas Municipalities indicates that the enactment of the bill would increase expenditures for cities. Cities could face increased administrative coordination costs and legal costs when local actions are reviewed under the new state framework. The overall net fiscal effect on cities is expected to be largely administrative in nature, though localized economic and litigation effects could vary based on development activity and how local governments adapt. However, a precise estimate cannot be determined.

The Kansas Association of Counties indicates that the enactment of the bill would increase expenditures for counties through costs associated with maintaining county energy facility operations and enforcing the new uniform regulations. Further, counties would be subjected to costs associated with changes to current energy operations and holding judicial reviews on local government energy facility policy matters. However, a precise amount cannot be determined.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt  
Director of the Budget

cc: Lynn Retz, Kansas Corporation Commission  
Bruce Chladny, Kansas Association of Counties  
Wendi Stark, League of Kansas Municipalities