

February 26, 2025

The Honorable Michael Fagg, Chairperson
Senate Committee on Utilities
300 SW 10th Avenue, Room 548-S
Topeka, Kansas 66612

Dear Senator Fagg:

SUBJECT: Fiscal Note for SB 233 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 233 is respectfully submitted to your committee.

SB 233 would require a county to enter into a decommissioning agreement with a facility owner before construction of a commercial wind and solar energy facility and would require the facility owner to provide financial assurance in an amount sufficient to cover the costs of decommissioning. The bill would also require decommissioning costs to be paid by affected landowners under certain circumstances.

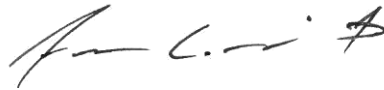
The Office of the Attorney General indicates that enactment of the bill would not have a direct fiscal effect on the agency; however, it anticipates an evaluated risk the legislation would face litigation, incurring costs in excess of \$500,000 from the State General Fund in FY 2026 and FY 2027 for defending the bill.

The Kansas Corporation Commission and Citizens' Utility Ratepayer Board indicate that the enactment of the bill would not have a fiscal effect on their operations. Any fiscal effect associated with SB 233 is not reflected in *The FY 2026 Governor's Budget Report*.

The League of Kansas Municipalities indicates that enactment of the bill would have a negative fiscal effect; however, it was unable to determine the exact amount at this time.

The Association of Counties indicates that funds to decommission facilities would come from a parent company but would have financial assurances from the county and enactment of the bill would have a negative fiscal effect if the parent company no longer exists.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", followed by a stylized flourish or symbol.

Adam C. Proffitt
Director of the Budget

cc: Lynn Retz, Kansas Corporation Commission
Shonda Rabb, Citizens Utility Ratepayer Board
Wendi Stark, League of Kansas Municipalities
Jay Hall, Kansas Association of Counties
Matt Bingesser, Office of the Attorney General