

January 25, 2023

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

Dear Senator Olson:

SUBJECT: Fiscal Note for SB 49 by Senate Committee on Utilities

In accordance with KSA 75-3715a, the following fiscal note concerning SB 49 is respectfully submitted to your committee.

On and after January 1, 2023, SB 49 would require new wind energy conversion systems to be constructed with light-mitigating technology systems prior to the commencement of operations, subject to the approval of the Federal Aviation Administration. Upon approval, the developer, owner, or operator of a wind energy conversion system would be required to install the light-mitigating technology system on approved turbines within 24 months. The developer, owner or operator of the wind energy conversion system may request a waiver or an extension of time to the 24-month period by submitting a request to the Kansas Department of Transportation Aviation Division.

Estimated State Fiscal Effect				
	FY 2023 SGF	FY 2023 All Funds	FY 2024 SGF	FY 2024 All Funds
Revenue	--	--	--	--
Expenditure	--	\$200,000	--	\$403,500
FTE Pos.	--	5.00	--	5.00

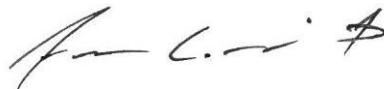
SB 49 would require the Kansas Department of Transportation to evaluate requests for waivers or extensions and verify a developer's, owner's, or operator's statements that supply chain or market constraints would delay installation of light-mitigating technology systems. Currently, all aviation regulatory functions in Kansas are performed by the Federal Aviation Administration.

The Kansas Department of Transportation is not currently staffed or equipped to perform the functions in the bill.

It is estimated that the Kansas Department of Transportation would require additional expenditures totaling \$200,000 from the State Highway Fund in FY 2023 to carry out its responsibilities associated with this bill. This figure includes salaries and wages of \$175,000 for 5.00 additional FTE positions plus \$25,000 for other operating expenses. The implementation of SB 49 would require additional expenditures from the State Highway Fund of \$403,500 in FY 2024, \$407,035 in FY 2025, \$410,605 in FY 2026, and \$414,211 in FY 2027. Total expenditures from FY 2023 to FY 2027 would be \$1,835,351. Of this amount, \$1,610,351 would be for ongoing annual salaries and wages expenditures for 5.00 FTE positions and \$225,000 would be for ongoing operating expenditures.

The Kansas Corporation Commission and the Citizens' Utility Ratepayer Board indicate that enactment of the bill would not have a fiscal. Any fiscal effect associated with SB 49 is not reflected in *The FY 2024 Governor's Budget Report*.

Sincerely,

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

Adam Proffitt
Director of the Budget

cc: Peter Barstad, Kansas Corporation Commission
Shonda Rabb, Citizens Utility Ratepayer Board
Brendan Yorkey, Department of Transportation