

To: Senate Local Government

From: John Goodyear, General Counsel

Date: February 2, 2023

RE: Testimony in Opposition to SB 86 – Written Only

I want to thank Chairwoman McGinn and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony in opposition to SB 86.

SB 86 would expand upon current state law defining and governing conflicts of interest for local government officials. The bill differentiates between substantial interests in renewable energy systems with all other substantial interests by imputing the conflicts of all relatives and persons with whom the official is involved in an “intimate relationship” (which is undefined by the bill). For all other conflicts, only those of the official’s spouse are imputed back to the official. If “intimate relationship” is read as broadly as possible to include close friendships, the bill may have the unintended effect of forever preventing smaller communities that would otherwise welcome renewable energy systems from doing so. The League supports the ability of cities to engage with their community and make decisions that best work for their city – this bill may hinder that in some communities.

The framework SB 86 would modify was passed in the early 1990’s and has gone largely unchanged since then. The current statutes have worked. By requiring disclosure of personal and business interests of government officials and requiring recusal when voting on contractual matters, we have avoided actual and apparent improprieties. It is the League’s position that these statutes are enough and the expansion created by SB 86 is unnecessary.

We are grateful to the Committee for allowing the League to submit testimony on this bill. We would ask that the Committee not recommend SB 86 favorably.