Testimony Provided To
Senate Local Government Committee
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In Opposition to SB 86

Good morning Madame Chair, Vice Chair, Ranking Minority Member and members of the Committee – I appreciate the opportunity to come before you today on behalf of the Advanced Power Alliance and the forty-plus members of our organization which represent a diverse cross section of the world's leading energy companies, energy investors, energy consumers in the advanced power industry. Most of these organizations have business interests in Kansas via operating renewable energy projects or those under development, purchase power agreements, development headquarters or manufacturing facilities. Our member assets in Kansas span the state from the most densely populated to the least, from the fastest growing to those with the most rapid population decline. Since the first wind farm came online in 2001, the wind energy industry has invested more than $15 billion private dollars in Kansas and created more than 20,000 direct and indirect jobs in both rural and urban Kansas with several billion dollars of new renewable energy projects in the pipeline. The State is home to the nation's first wind turbine technician certification program which has a 100% job placement rate.

Disclosure and questions of substantial interests are really the purview of government entities and not private companies, but the Advanced Power Alliance has several questions regarding the structure of Senate Bill 86.

First, while the Advanced Power Alliance generally supports disclosure and sunshine, we are unclear why our industry and our industry alone is being singled out by this legislation. Counties are approached by many economic development opportunities. It would seem to us that if this were legislation that were to advance, it ought to apply to everything and not just single out our industry.

Second, the Advanced Power Alliance is unclear why, if a substantial interest exists, the county official is prohibited from taking any action, but then later in the bill there is language allowing the county official to take an action as long as that action was to prohibit a wind or solar project? These seem to be in conflict.

Third, line 7 of page three makes reference to an "intimate relationship" on the part of the individual, but that appears to be undefined. This is problematic at best.

Finally, SB 86 applies to all government officials, not just County Commissioners. Some county officials are elected but hold the office alone – such as the Clerk or Register of Deeds – if a substantial interest were to be found, this would prohibit any action from occurring through their office with apparently no remedy.

Our investments in rural counties are often extensive. With a definition of family members going out to second cousins plus an undefined term of "intimate relationships", it is feasible in a lightly populated county to have all three county commissioners or even all elected county officials prohibited from taking action on a proposed wind farm just because of distant cousins having land that has been leased. Furthermore, our industry prides itself on investing in our local communities and using local vendors as much as possible. Local gravel and concrete bids will each run into the millions of dollars during the construction phase. During the construction phase of Solomon Forks and East Solomon Forks in Thomas County, the sales tax collected in the county doubled. Dollars spent in a small community turn over more times as they ricochet through the local economy which is good for everyone, but that fact – normally seen as a positive one by everyone looking for more investment in rural communities – simply makes SB 86 more complicated.

If the committee wants to have a debate about disclosure on all matters we will gladly watch from the sidelines as these are county matters better left to the seasoned officials that run our local governments. However, the Advanced Power Alliance does not support SB 86 as it is currently drafted.