



KANSAS
ASSOCIATION OF
COUNTIES

715 SW 10th Avenue • Topeka, KS 66612
785-272-2585 • www.kansascounties.org

Senate Local Government Committee
February 2, 2023
SB 86

Kansas Association of Counties
Opponent Testimony

Chairwoman McGinn and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer testimony in opposition of SB 86, which would require that local government officials both disclose substantial interests in the construction or operation of a wind or solar energy development, as well as abstain from all government actions relating to such matters.

First, let it be clear that this bill does two things. KAC strongly supports one of those things, but strongly opposes the other. KAC strongly supports the transparency of disclosing substantial interests by government officials. KAC supports the transparency of government officials disclosing their personal interests in any item before them, whether related to wind and solar energy, or some other subject. The Kansas Association of Counties supports transparency and actively encourages our member counties and officials to disclose such interests in the name of such transparency.

KAC opposes this bill, however, because this bill would specifically require the abstention of officials if they had a substantial interest in a particular category of projects. Counties, particularly smaller counties, could have multiple commissioners, planning and zoning members, public works officials, or other county personnel barred from participating in the process either because they or a relative has an interest in the project. This bill could potentially eliminate a considerable number of county officials from being able to do their jobs with regard to a project in order to make a determination that is in the best interests of the county. There is also the issue that this bill specifically targets one issue, rather than applying to all decision making within the county.

KAC is also concerned that SB 86 would allow a government official to act to prohibit such a development without being in violation of this legislation and questions whether this would pass legal muster.

KAC supports the transparency of requiring disclosure of interests in all cases, not just wind and solar development. However, KAC opposes SB 86 because it could hamstring county operations when considering projects. If SB 86 required only disclosure, KAC could re-evaluate its position on this legislation. Thank you for your time and consideration.

Jay Hall
Legislative Policy Director and General Counsel
Kansas Association of Counties
hall@kansascounties.org
(785)272-2585