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TESTIMONY

To: Senate Utilities Committee
Senator Clark, Chairman

From: Allie Devine, Vice President and General Counsel

Subject: **SB 331** – Concerning wind resources and technologies; relating to the recording of leases or easements.

Date: February 9, 2004

Mr. Chairman and Members of the Committee:

I am writing on behalf of the Kansas Livestock Association. The Kansas Livestock Association is a not for profit trade association representing over 6,000 livestock producers. KLA has a keen interest in issues pertaining to land. We appreciate the committee's interest in and hearing on SB 331 concerning the recording of leases or easements relating to wind energy generating facilities. KLA supports the provisions of SB 331.

Our review of SB 331 indicates this bill does not mandate leases or easements be recorded, but simply authorizes the recording of such documents. We do not support provisions that would require the filing of the entire contract or payment provisions and understand such provisions are not included in this bill.

KLA through educational presentations has encouraged our members to refine what interests in land are being conveyed in wind easements or leases. We have encouraged our members to separate contract provisions from easement or lease language, and file the appropriate documents, so title to the property is clear and all current and future property interest holders know of any encumbrance, such as an easement or long term lease. Many of the easements we have reviewed are long term and we believe it is important these easements be recorded, to assure their acknowledgement in future title searches.

Finally, in supporting this bill, we want to assure that our testimony is not perceived as either opposed to or a proponent of wind developments. We believe this bill is simply an effort to assure that if wind generation facilities are developed; the landowner is protected through the filing of the appropriate legal documents to preserve the title of the property.

Thank you for considering our comments as you deliberate this bill.