

January 24, 2022

The Honorable Carolyn McGinn, Chairperson
Senate Committee on Local Government
Statehouse, Room 142-S
Topeka, Kansas 66612

Dear Senator McGinn:

SUBJECT: Fiscal Note for SB 325 by Senate Committee on Utilities

In accordance with KSA 75-3715a, the following fiscal note concerning SB 325 is respectfully submitted to your committee.

SB 325 would enact the Kansas Renewable Energy Transparency Act. On and after July 1, 2022, no facility could be constructed on any parcel of land that is not zoned for industrial use by the county in which the facility is to be constructed and no developer could begin site preparation for or construction of a facility without first acquiring the appropriate building permit or conditional use permit from the county where the facility is to be constructed. The bill outlines a process for citizens to petition the county government to protest a decision to rezone land for industrial activities.

The bill would also specify that any lease or easement involving wind or solar resources and technology to produce and generate electricity would be subject to the following:

1. The lease or easement would not be recorded by the register of deeds unless the lease or easement is accompanied by the requisite building permit or conditional use permit for the construction of the facilities used to produce and generate electricity;
2. The lease or easement would be recorded in the office of register of deeds of the county where the real estate is situated within 30 days of the execution of the lease or easement. Any lease or easement that is presented to the register of deeds more than 30 days after execution would not be recorded; and
3. The lease or easement would disclose the registered company name and any trade name of the grantee and the operator of the lease or easement.

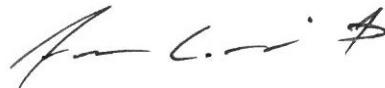
If any lease or easement is not recorded in accordance with the requirements of the above provisions or is fraudulently recorded, the developer of the facility would be prohibited from recording any subsequent lease or easement involving wind or solar resources and technology upon such property. The bill defines “developer” and “facility.”

The Kansas Corporation Commission indicates enactment of the bill would have not have a fiscal effect on agency operations.

The Kansas Secretary of State’s Office indicates enactment of SB 325 would not have a fiscal effect on agency operations; however, the agency states the bill’s enactment would have a fiscal effect on counties where a petition to protest a zoning decision is filed. The agency states county election offices would incur expenses, including, but not limited to publication notices, adding an additional question to paper election ballots, programming voting machines, and programming audio ballots for voting machines.

The Kansas Association of Counties states enactment of the bill could prevent new development of solar and wind projects, which could result in unrealized revenue for counties to widen the tax base for local citizens.

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, KCC
Jay Hall, Association of Counties