



# Gaches, Braden, Barbee & Associates

**February 9, 2004**

**Testimony before the Senate Utilities Committee**

**Regarding SB 331**

Presented by Scott J. Schneider J.D., of Gaches, Braden, Barbee & Associates

On behalf of Kansas Wind Coalition

Mr. Chairman and members of the committee, my name is Scott Schneider. I am representing the Kansas Wind Coalition. The Coalition is comprised of wind generation companies and supporters who are seeking to locate wind generation facilities in Kansas. The purpose of the Coalition is to provide decision makers such as you with balanced and accurate information regarding the development of energy policy in Kansas.

We oppose SB 331 for one reason. Current law is sufficient. This bill expands the already broad definition of who may file a document that affects real estate. We currently file with every county a memorandum of lease. This document puts the public on notice that the land is encumbered by possible wind development activity. We have not had a problem with the register of deeds in any county rejecting our documents. I question the purpose of this legislation.

This statute allows for the option of filing any transaction that might encumber land. It does not require anything be filed. Additionally, the current statute is sufficiently broad enough to cover anything from leases for cell phone towers, electric transmission lines to wind documents. We have not asked for any assistance with filing our documents and do not believe any is needed.

To conclude, the emerging wind industry is seeking to make significant investments in the State of Kansas. Kansas is a top tier state in wind energy potential in the United States. It is our hope Kansas will continue to value clean generation of electricity and renewable energy.

Thank you for the opportunity to present our concerns, I will stand for questions.