



Testimony Provided To
Senate Judiciary Committee
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Neutral Comments on SB 283

Chairman Warren, Vice-Chairman Wilborn, Ranking Member Corson, and members of the committee,

Thank you for the opportunity to provide neutral comments on behalf of the Advanced Power Alliance on Senate Bill 283 which concerns foreign ownership of land in Kansas.

The members of the Advanced Power Alliance represents the businesses and organizations in the clean energy industry including the developers, owners, and operators of the wind, solar, battery storage and hydrogen facilities in the state.

The Advanced Power Alliance's comments on SB 283 stem largely from how the federal government classifies foreign ownership of land. The data collected on foreign land ownership is being incorrectly reported out of the Agricultural Foreign Investment Disclosure Act (AFIDA) that is administered by the United States Department of Agriculture at the federal level.

Our members that are all or partially foreign-owned abide by the Agricultural Foreign Investment Disclosure Act (AFIDA) and report their leasing interests to the United States Department of Agriculture. Those leasing interests are then included in the AFIDA's annual report.

AFIDA exempted the oil and gas industry in 1978, and as a matter of policy, APA submits that wind energy development is similar to the oil and gas industry as a wind lease, like an oil and gas lease, does not prohibit farming or ranching on the property. While a wind farm may lease upwards of 20,000 acres across the project footprint, the actual impacted acreage is less than 1% of the total leased acreage.

A lease is not an ownership interest in land. Therefore, the contents of SB 283 don't really apply to the APA members that may have foreign ownership, both because our foreign companies are not from nations classified as foreign adversaries, but also because we are not taking an ownership interest in the agricultural land we are leasing. However, AFIDA does not ask foreign companies to report ownership interest – AFIDA requires us to report any interest, which does include a lease. Understandably, reporters, policymakers and interested parties have not dug into AFIDA enough to understand that they cannot use the term "ownership" when referring to the growth in acreage over the last ten years, because much of that has been leased acreage for wind farms. The use of the term "ownership" is misleading and causes concern among citizens.

We provide this neutral, written testimony in the hopes that if the committee does have questions about the acreages we have leased, committee members might reach out to use and ask. We are proud to tell our story of investment in the state of Kansas and look forward to a bright future together.