



TOPEKA

SENATE CHAMBER

January 20, 2022

Senator Mike Thompson  
Proponent Testimony For SB 325  
Local Government Committee

Madame Chairwoman McGinn, Vice Chair Bowers, Ranking Minority Francisco  
and committee members,

Thank you for the opportunity to testify in favor of Senate Bill 325.

There are now approximately 3,500 industrial scale wind turbines across Kansas with more than 1,000 additional turbines proposed to be built. Industrial scale solar facilities are also being built more frequently and many more are on the drawing board. Both types of facilities require a require a lot of land, which exacerbates the problem for rural Kansans.

Since 2001, when there were only 57 wind turbines in the state, more and more rural areas and small communities have been faced with the daunting problem of deciding whether to allow these facilities to be built, and where to build them. I hear from communities across the state regarding the problems being created due to the lack of transparency, coercion, intimidation, and delay tactics that have been used in too many cases by wind and solar companies that want access to property.

One of the most common tactics used by these companies involves collecting a number of leases and securing the use of private land, BEFORE a special use



permit has been issued, or an area has been zoned for industrial use. Once enough leases are signed, they will then go to the county commission and tell them that they must issue the special use permit, or rezone, or the county will be sued by the renewable company. It's a form of blackmail. Most of these small rural counties don't have the financial wherewithal to fight that kind of legal battle...and so they cave in and approve the project. Fifty percent of counties in Kansas are un-zoned and no real protections exist.

The question is where do the rights of a landowner end? They should end at the property line. If the placement of a turbine or solar farm creates a health or safety hazard for the neighbors who have no way to mitigate that hazard, then their property rights have been abridged. Everyone focuses on the property rights of those who sign the leases...but the non-participating landowner is left with no recourse.

The big problem is that most of the people who live near these proposed projects are unaware of neighbors that are signing the lease because there are gag orders contained in the leases. Or, they find out about the proposed project far too late to do anything about them. That is intentional. The renewable companies know that if the word gets out, residents might oppose the project. I have personally met with residents in Marysville, Seneca, Sabetha, Mound City, and Fort Scott, and in each case hundreds of people showed up to complain about the sneaky ways in which these projects were approved, and the underhanded tactics used to coerce county officials to approve them. In one recent case, a county commissioner in Labette County was recalled because he had a financial interest in the project...he and family members had signed the lease and refused to consider the pleas from county residents to reconsider the project. This is just one



example. I have heard of elderly residents of rural property being intimidated and badgered in attempts to obtain a signature on a land lease.

These practices are unethical, if not criminal, and we need a way to protect all landowners who live near these projects, and to give them a voice, and to provide time for individuals to consider the consequences of allowing renewable facilities into their county...or onto their property. Senate Bill 325 does that.

Industrial wind and solar facilities present health and safety hazards for the families who live near them, to the wildlife in the area, and to aircraft flying nearby. These impacts are usually not considered by counties that are unaware of these dangers, which is why transparency and disclosure needs to be a part of the solution. Would you want a 600-foot wind turbine 1,500 feet from your house if you knew they could throw ice 3,200 feet? What about the permanent source of noise that can cause sleep deprivation and health issues? What about the stray voltage that can cause dairy cattle to dry up? Have they considered how to extinguish turbine fires that cannot be extinguished by the local fire department because they are too tall and contain materials that cannot be put out using conventional means? The hazards are myriad and too many to list here.

I do have an amendment offered by the Acting Department of Defense (DoD) Regional Environmental Coordinator for Standard Federal Region 7 who alerted me to the need to protect our military aircraft and the DoD defense missions. As I am sure you can appreciate, energy development can obstruct airspace, create electromagnetic interference, and create other concerns that can negatively impact military missions. The DoD really needs to be involved from the very early planning stages to assess potential mission impacts and evaluate available



mitigations, when the developer has maximum flexibility and planning assumptions are not yet solidified. It is important that wind energy developers engage with stakeholders, like DoD, early in the planning process. Sometimes negative impacts are not readily apparent to the local governments hosting such projects and it would be useful for Kansas to have a process that ensures proper coordination is conducted.

State legislation that ensures DoD's participation in siting planning has been introduced or enacted in several other states and this legislation will serve as a vehicle to get those protections codified in Kansas.

Rural communities in Kansas are losing population for various reasons, and if we do not show them that we don't place value their quality of life, safety, and good health over the desires of wind and solar companies, then we will deserve for them to continue to seek states and localities that will.

I urge you to support Senate Bill 325. Thank you!

Sincerely,

*Mike Thompson*

Senator, 10<sup>th</sup> District, Shawnee, Kansas